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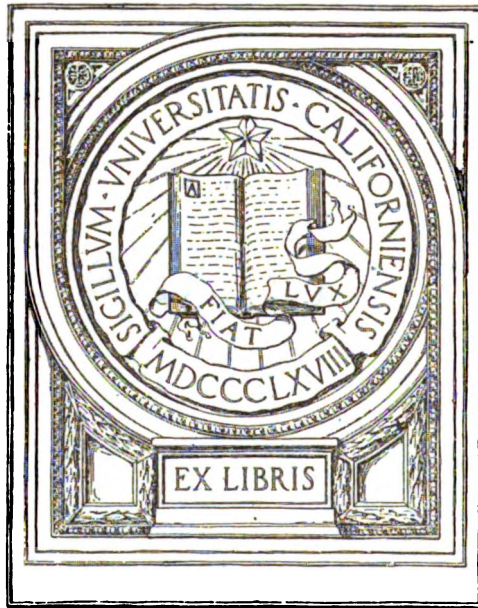
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THE SOUTHWESTERN HISTORICAL QUARTERLY

VOL. XXV

JULY, 1921

No. 1

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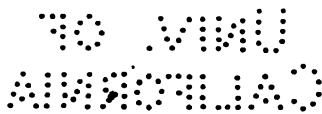
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AUSTIN, TEXAS
1922

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THE ANNEXATION OF TEXAS AND THE MISSISSIPPI DEMOCRATS¹

JAMES E. WINSTON

The shelving of Van Buren at the Baltimore convention in 1844 and the selection of Polk as the leader of the party committed to the immediate annexation of Texas was, as is well known, primarily the work of a group of Mississippi politicians led by Robert J. Walker. The action of these delegates in thus violating their instructions, on the whole, met with the full approval of their constituents.² With truth Walker has been styled "the architect of

¹The writer desires to acknowledge his obligation to the Mississippi Department of Archives and History, where most of the material upon which this paper is based was obtained. The admirable organization of this valuable collection, and the never failing courtesy of the Director, Dr. Dunbar Rowland, combine to render the student's task an unusually pleasant one.

²By both the Democratic and the Whig journals within the state the nomination of the ex-president was confidently expected, though a leading Whig organ declared the leaders of his party had been looking for an excuse for three years to drop Van Buren. By some the defeat of Governor Runnels as far back as 1835 was cited as evidence of "how heavy a weight Van Burenism is for a candidate in Mississippi." At the Democratic state convention held in Jackson on January 8, Van Buren's only competitor for the leading place on the ticket was John C. Calhoun, who received only one-third as many votes as his competitor. The nomination of Van Buren was made unanimous and to Polk fell the second place on the ticket, an honor which had been accorded him four years before. It is true the more radical Democratic organs threatened to bolt the ticket in the event of Van Buren's nomination, but this was solely on account of his opposition to immediate annexation; the more conservative journals, while regretting his attitude upon annexation, urged the party leaders to stand by the nominees of the national convention. "The South must not alienate the Democracy of the North." It should be noted that the odium which Van Buren is said to have incurred in the South is reflected, so far as Mississippi is concerned, only in the prints

the democratic imperialism under which Texas was annexed," but he was only the foremost of a coterie of aggressive Mississippi politicians that included Jefferson Davis, who, with Walker, was eager to take over all of Mexico,³ and A. G. Brown, a remarkable leader who represented the small slaveholders and the non-slaveholders of his state, and who was more radical than Davis in his views upon annexation and slavery.⁴

Mississippi afforded a fruitful soil for the propaganda of Walker, Davis, Brown, Foote and Huston in furtherance of the cause of annexation. Before the independence of Texas was achieved, voices were raised in the state in advocacy of annexation. Highly significant in this connection is the report of a select committee of the legislature in 1837 which declared "the annexation of Texas is essential to the safety and repose of the southern states."⁵ Furthermore, in Mississippi as elsewhere in the South annexation in 1844 "was still a popular measure with most Whig voters."⁶ Typ-

of the Whig party, whose editors referred to him as the "didapper little politician," and as a matter of course assailed the "execrable malpractices of his administration." *Pittsburg Bulletin*, Dec. 10, 1835; *Woodville Republican*, Apr. 11, 1840, May 27, 1843; *Mississippi Free Trader*, Jan. 11, 1843, Jan. 17, May 15, 1844; *Sentinel and Expositor*, Apr. 16, 1844; *Vicksburg Sentinel*, May 17, 1844; *Port Gibson Herald*, May 23, 1844; *Mississippian*, May 15, 22, 29, 1844; *Constitutionalist*, May 11, 1844. Cf. Cole, *Whig Party in the South*, 12-13.

³Cf. Dodd, *Statesmen of the Old South*, 185.

⁴Cf. Hearon, "Mississippi and the Compromise of 1850," *Pubs. Miss. Hist. Soc.*, XIV, 33. Governor Brown's name deserves to be recalled, if for no other reason, on account of the splendid services he rendered his state in laying the foundations of a system of public school education. His zeal was probably responsible for the passage of the act chartering the state university in 1844; while in response to his appeal the legislature passed the act of March 4, 1846, the "first statute in Mississippi contemplating a uniform and general system of common schools." Edward Mayes, *History of Education in Mississippi*, 278-279 (Washington, 1899).

⁵*Niles' Weekly Register*, LII, 258.

⁶Cole, *Whig Party in the South*, 109. Democratic organs claimed four-fifths and even nine-tenths of the people of Mississippi were in favor of annexation. *Mississippian*, May 15, 1844; *Free Trader*, May 29, 1844; *Columbus Democrat*, Mch. 1, 1845; *Raymond Gazette*, Sept. 19, 1845. The *Constitutionalist*, a Whig organ, declared after the election, that it was absolutely necessary that Texas form part of the Union. (Mch. 27, 1845). All through the campaign Whig leaders and newspapers protested that they were not opposed to the annexation of Texas *per se*, but only to the manner of its accomplishment. In other words, partisan considerations overrode what they admitted was for the best interests of their section. The very fact that Tyler and Calhoun had proposed the scheme was enough to condemn it in the eyes of every orthodox Whig. And after

ical of Whig sentiment until the Texas question became in the South a matter of party strife, was the declaration of a leading Whig journal which welcomed the annexation issue as showing who were for "Texas and liberty to the South, or against Texas and white freedom in the South"; for the acquisition of Texas would give the South an equality in the Union by which she could maintain her rights and meet the North upon fair ground.⁷

While there is abundant evidence of the genuineness of the sentiment in Mississippi with reference to the desire for annexation, it would be a mistake to suppose that annexation was the only issue that was felt to be involved in the presidential election of that year. Responsible spokesmen of the Democratic party deemed other matters besides the acquisition of Texas to be at stake; party doctrine touching the questions of a national bank, the tariff, internal improvements, are a continually recurring theme in the public prints, in the speeches of campaign orators, and in well-nigh numberless resolutions adopted during the summer and fall of 1844 in meetings held throughout the state in furtherance of the cause of annexation.⁸ As proof of this may be cited the conservative expressions of the *Mississippian*, one of the leading organs within the state, whose tone at times resembled that of the leading Whig journals. This paper was friendly to annexation,

the appearance of Clay's letter upon the subject, the only course left his followers was to subordinate their real desires in the matter of annexation to the exigencies of political expediency. "We go for Henry Clay, Texas or no Texas," sums up the attitude of the party in Mississippi, as elsewhere in the South. But the significant thing is that prior to 1844 the Whigs of the state were eager for the acquisition of Texas on purely sectional grounds. Cf. *Constitutionalist*, May 15, 1844.

Daily Courier (Natchez) in *Woodville Republican*, June 4, 1836; *Weekly Courier and Journal*, Feb. 27, Mch. 17, 24, 1837.

Thus the Democratic Association of Adams county affirmed that in the election of 1844 the voters had declared against a national bank, the destruction of the veto power, and the assumption of debts, in addition to deciding the question of annexation. A correspondent writing under the designation of "Old Republican," protested that while so far as Mississippi was concerned the cry was "immediate annexation." that was only one of the questions to be settled by the forthcoming election. "Is it not apparent," asked the writer, "to the most common minds that in the North and throughout the world, there is a moral influence being brought to bear against slavery which, if it does not preclude utterly the admission of another state into the Union, will make it dangerous to attempt it? . . . It is to the northern Democracy the South is indebted for its institutions." *Free Trader*, Nov. 26, 1844; *Mississippian*, July 5, 1844.

and readily admitted that the South favored the acquisition of Texas because her influence now on the wane in the councils of the nation would be greatly augmented by the increase of slave territory, but the editor refused "to sink the other questions into insignificance," and deplored the hot-headed movements of those who would make the annexation question the sole issue of the campaign. The South should beware of deserting its "natural allies," the Democracy of the North; the disunionist proceedings of any group of southern men as well as the activities of the abolitionist faction at the North were condemned in bitter terms; the southern people had ample security for their rights in the constitution. "So long as the Union lasts, the South is safe."⁹

If further proof were needed of the fact that other issues besides annexation were believed to be at stake in this campaign,¹⁰ it is to be found in the addresses of the central state committee of the Democratic party, among whose twelve members occur the names of Quitman and Roger Barton. These addresses thus represent the views of the official spokesmen of the party in Mississippi, and in one of the addresses annexation is almost dealt with as if it were a side issue; for only the barest allusion is made to Clay's position on the Texas question. Both of the documents on the other hand take up twenty columns of the newspapers in setting forth in a most exhaustive manner the Democratic creed touching a national bank, the tariff, internal improvements, and distribution of the revenue derived from the proceeds of the public lands. On the whole the question of annexation is dealt with in a temperate manner in the address first put forth,—as "possibly paramount to any or all of other great questions," though if war with Mexico must come as a result of redeeming the pledge of the treaty of 1803, let it come. It was argued that the extension of slave territory would render slave labor more valuable, while not increasing the evils of slavery, for the free blacks could be colonized in Mexico. Reference is made to the economic argument that Texas as an ally or a dependency of England would enable that country to derive its supply of cotton from the region beyond the Sabine; granting that the extension of the national

⁹*Mississippian*, Feb. 21, Apr. 3, May 1, 15, 29, June 8, July 5, 12, 15, 26, Aug. 2, Sept. 27, Oct. 30, 1844.

¹⁰Smith, *Annexation of Texas*, 298.

territory might depress the value of lands in the South, none but speculators would suffer. Those who predicted disunion in consequence of annexation were little better than traitors, "who would rend asunder the Union rather than new States should exercise the constitutional right of being admitted into the Union."¹¹

Whig party organs complained bitterly of the action of prominent Democratic leaders, who canvassed the state from one end to the other, haranguing their audiences upon the subject of "democracy and Texas." In the language of their opponents, denunciation of Henry Clay constituted "the weapon of their warfare and annexation was the burthen of their song." But while the necessity of annexation on account of the sectional interest involved were stressed by Huston, Quitman, Foote and others, this was by no means the sole issue to which reference was made in their speeches. For a number of reasons the annexation of Texas seemed a desirable thing to the people of Mississippi just as it did to those of other southern states. One of the Texan commissioners to the United States referred, though with exaggeration, to the "run mad annexation excitement in the southern states."¹² As has been pointed out, the subject of annexation was a theme upon which it was easy for orators to kindle enthusiasm among those who gathered at barbecues during the summer months.¹³ "Poke & Texas, that's the thing, it goes like wild-fire with the folks as kant rede, nor don't git no papers." Thus did a disgusted Whig sum up the argument for the democratic nomi-

¹¹*Mississippian*, Aug. 9, 16, 1844. The two addresses are identical with the exception of the portion dealing with Texas. The most interesting part of both manifestoes is a section entitled, "What is Democracy?" All the "beauties of the democratic faith" are said to flow from the memorable declarations of Jefferson and his compeers that all men are created free and equal. "Many of our opponents are opposed to poor men voting or taking part in the administration of the government. They estimate a man's talents and virtues according to his acres and dollars"; they would create distinctions in society, would elevate the few at the expense of the many; in their view government is a "divine thing that must not be touched by the rude hands of the people." On the contrary, the upholders of the divine principle of the immortal declaration favored universal suffrage, regardless of property qualifications. Professor Dodd has pointed out that the last reference to the Declaration of Independence by the Democratic party in its national platform was in 1840.

¹²Cf. Garrison, *Dip. Cor. Tex.*, I, 208, 238-239, 270.

¹³The largest and most enthusiastic meetings of this nature were those held by the Whigs. *Port Gibson Herald*, July 4, 18, 1844.

nees so far as the indiscriminating masses were concerned.¹⁴ By many the desirability of annexation was put upon grounds of broad national interest, though it is difficult to believe that such considerations outweighed those of a sectional cast. It was asserted that the peace, security and interests of the whole nation required immediate annexation to the United States, whose good faith was pledged to carry out the treaties of 1803 and 1819. In Mississippi as elsewhere a potent consideration was "a spontaneous desire to regain a valuable piece of property that had been surrendered imprudently and could now be had at a bargain."¹⁵ It is not surprising that on the whole the legal considerations involved received comparatively little attention from popular orators and partisan editors. It seemed to be generally assumed that all doubt as to any constitutional impediment touching annexation had been resolved "by the unanswerable argument of our illustrious fellow-citizen, Martin Van Buren." Among the reasons assigned by the legislature for instructing their representatives in congress "to urge zealously and perseveringly the immediate and indissoluble annexation by treaty of the republic of Texas to the United States" was the fact that the two countries were contiguous in geographical position, inhabited by kindred people, spoke a kindred language, produced the same staples, cherished the same commercial interests, and were animated by the same love of liberty.¹⁶ It may well be believed, however, that such considerations were subordinate to the political motive, for previous legislatures had linked the annexation question with the perpetuity of slavery in the most emphatic manner.¹⁷

As might be expected, much stress was placed by writers and speakers upon the so-called economic arguments for annexation; appeal was made to the letters of Jackson and of Walker in which had been set forth the civil, military and commercial importance of Texas.¹⁸ Annexation it was asserted would open up new mar-

¹⁴This reporter had been one of a number who had listened to speeches at Ripley by Foote and Davis. Like many another Whig he saw or professed to see in the Texas movement nothing more than an issue of narrow proportions: "I guess the General [Foote] has lots of land out in Texas."

¹⁵Smith, *Annexation of Texas*, 320.

¹⁶*Free Trader*, Apr. 3, 1844.

¹⁷*House Journal* for 1837, 158.

¹⁸*Holly Springs Guard*, May 1, 1844.

kets for the manufactures of northern states, for the agricultural products of the middle and western states, all of which would involve an increase of shipping and an expansion of commerce.¹⁹ This argument put forth by Huston in an elaborate exposition of the reasons for immediate annexation was intended to reconcile northern sentiment to an increase of slave territory; for first and last Huston was the most extreme advocate of annexation because of its bearing upon the question of slavery. Others argued that annexation would bring a reduction in the price of lands in consequence of the extension of the national domain, and would prevent Texas as an independent state from supplying the English market with cotton to the ruin of the southern planter.²⁰ Governor Brown dwelt upon the danger of Texas as a rival in the production of cotton in case that country became a part of the dominions of England.²¹ Texas as a free-labor nation, argued the *Free Trader*, would glut English markets not only with cotton, but with tobacco and rice as well.²²

Reference has been made to the fact that during the years that intervened between the attainment of independence and the emergence of annexation as an issue in party politics, deep concern was manifested in Mississippi at the danger that was believed to menace the South and its interests unless Texas were annexed. Men in Mississippi as elsewhere in the lower South had come to believe that the annexation of Texas was all essential to the preservation of the Union. It would have been most surprising, therefore, if in the campaign of 1844 this argument had not received cordial and wide-spread support. Second only in importance to what may be termed this sectional motive was the deep-seated anti-British sentiment which manifested itself mostly, though by no means exclusively, in the newspapers. At no period

¹⁹*Mississippian*, May 30, 1844; Cf. *Ripley Advertiser*, Mch. 22, 1845. The *Independent Democrat*, Feb. 17, 1844, declared one of the principal reasons why the admission of Texas was favored was because it involved an extension of the principles of free trade.

²⁰For an allusion to this argument, see Garrison, *Dip. Cor. Tex.*, II, 222; Cf. Reeves, *Diplomacy under Tyler and Polk*, 92.

²¹*MS. Executive Journal*, Dept. Archives and History.

²²*Free Trader*, Oct. 16, 1844. Though never losing an opportunity to set forth the iniquities of a protective tariff, this stalwart democratic journal deplored the ruin of tariffs and manufactures in consequence of an independent Texas throwing open her ports to the commerce of the world, thereby deluging the Mississippi valley with goods duty free.

of our history perhaps has what Secretary John Hay once characterized as a mad-dog hatred of England, been more pronounced than it was in the discussions which took place in connection with the subject of annexation. And one of, if not the chief, causes of this antipathy for England was dread of that country's abolitionist designs in Texas.

In his inaugural address of January 11, 1844, Governor Brown urged that annexation under any circumstances was desirable, since such a measure was intimately connected with the prosperity of the state, in fact with its very existence as an independent member of the confederacy. England, where anti-slavery sentiment was so pronounced, was said to have proposed the total abolition of slavery in Texas, her government to reimburse the slave owners. "So long, however, as Texas maintains her independence, and adheres to her present form of government, it is not indispensable, especially if she repel, as I trust she ever will, with becoming energy, all attempts to unsettle her domestic policy on the subject of slavery. And shall we stand idly by, whilst Texas, and with her our institutions are drawn inch by inch into the meshes of a wily nation, that has never failed to do us injury?" The most important consideration was that from Texas might be carved independent states that would offset Wisconsin, Iowa, and the unsettled territory of the northwest; this would preserve the political equilibrium of the Senate, so absolutely essential to the safety of the domestic institutions of the South, increase the influence of that section in the councils of the nation, "secure to Mississippi peace in the exercise of her domestic policy, and a proud independence as a separate member of the confederacy."²³ In these words were summed up what was in all probability the most potent argument for annexation that was to be heard so often during the weeks and months that followed the nomination of Polk and Dallas. Governor T. M. Tucker, in presenting to the legislature for consideration and action a resolution unanimously passed by the legislature of Alabama advocating annexation, used these words: "I unite in opinion with the people of Alabama, in believing that the annexation of Texas to the United States, is not only indispensable to the institutions of the Southern

²³*MS. Executive Journal.*

States, but also to the peace and commerce of the United States."²⁴ It is not difficult to believe that "the peace and commerce of the United States" was a secondary consideration in the minds of these two Mississippi governors, and that their chief concern arose from the danger that confronted their section unless more slave territory was added to the Union. The legislature of Mississippi was not slow in acting upon the suggestions of its governors; nor is this surprising in view of the action taken by previous legislatures in putting the desirability of annexation exclusively upon grounds of a sectional cast, while at the same time slavery was extolled as the very palladium of their prosperity and happiness.²⁵ The subject of annexation engaged the attention of the state legislators during the months of January and February. More than twenty pages of the senate journal are devoted to the "Address of a Citizen of Texas," which was in the nature of a reply to the manifesto put forth by Adams and some twenty other members of congress remonstrating against the annexation of Texas. One extract may be quoted as conveying the tenor of the whole: "Texas will be the instrument in the hands of Great Britain to drive you from your homes and to wrest from you your property."²⁶ The final vote on the preamble and resolutions adopted was 62 to 10, nine Whigs voting in the affirmative. The most significant resolution adopted declared, "That in the judgment of the Legislature, if the desired annexation should not be effected, it will be incompatible with the rights, interests and tranquillity of the United States, for any European power to obtain possession of the territory of Texas, or to secure a commanding influence in her councils; and that such an attempt would be considered by the United States as a sufficient cause for war."²⁷

²⁴*Ibid.*

²⁵*Niles' Weekly Register*, LXIV, 173. On March 16, 1844, W. H. Hammett, a member from Mississippi, presented in the national House of Representatives resolutions "passed with great unanimity" by the legislature of his state in favor of annexation. Hammett's attitude upon this and other questions of a sectional nature may be gathered from a single sentence of a speech delivered by him in the House the previous month: "Let the struggle then come when it might, in the South there would be no distinction between Whig and Democrat." These same resolutions were presented by Robert J. Walker in the Senate. *Cong. Globe*, 28 Congress, 1 Session, 408, 235, 410.

²⁶*Senate Journal*, 73-94.

²⁷*Free Trader*, Apr. 3, 1844. In January a resolution was introduced in

More far-reaching in its effects so far as the outcome of the election was concerned, was the aggressive campaign carried on by the group of party leaders whose names have been mentioned above.

Among these was Jefferson Davis, who was one of the presidential electors on the Democratic ticket. In his public utterances Davis by no means confined himself to the Texas question, but took up one by one the issues which divided the two parties, dealing with them in a clear and convincing manner. High hopes were entertained by democratic journals of the future which awaited Davis as the favorable impression which he made upon his hearers increased from day to day. "He is the pride of old Warren, and is destined soon to be the pride of the State and of the whole country." "Mr. Davis is the impersonation of the true spirit of the South. He will do more to win back the former spirit and admiration of the world to her, than any man we could send to public life. We predict that he becomes the Calhoun of Mississippi."²⁸ At a democratic meeting held at Natchez on July

the House to the effect that a select committee of five members be instructed to bring in a bill declaring war against Mexico; the resolution was promptly rejected. Not quite two weeks later the Senate by a unanimous vote, including eight Whigs, adopted a set of resolutions on annexation. On February 10 the House considered the Senate resolutions concerning annexation which had been referred to a committee of eleven members. According to the *Free Trader* the theme called forth some of the "tallest speaking" which had been heard in the legislature up to that time. Among prominent Whigs who opposed the measure were J. S. Yerger, of Vicksburg, and Luke Lea, of Hinds county. A minority report was presented by George Winchester, of Natchez, the "citadel of whiggery," to the effect that it was incompatible with the rights and interests of the United States for any European government to obtain possession of the territory of Texas, or to interfere in its domestic affairs; the motion was lost by a vote of 58 to 15. An amendment to the majority report offered by Yerger of Vicksburg was also lost by a vote of 55 to 15. A leading Whig lawyer of Jackson writing to Robert J. Walker commented upon the action of the Whig members as follows: "I regret to say that the want of unanimity in our late legislature was occasioned by a few, a very few Whigs, who have thereby sealed their political destiny, and incurred universal condemnation." *House Journal*, 120, 622-623; *Senate Journal*, 195; *Free Trader*, Feb. 21, 1844.

²⁸One of the Democratic organs made mention of his "eagle look, his bold, free form and gesture," and spoke of the gentlemanly deportment and kindly feelings that marked his canvass. Davis did not escape criticism at the hands of the opposition journals, but the shafts aimed at him were devoid of malice and coarseness, in striking contrast to the attacks made upon some of the other leaders, as Foote. One Whig journal after referring to his eulogy of Calhoun at the Jackson convention, "which made some of the friends of 'Old Hickory' look sick," spoke

12 for the purpose of extolling the nominees of the Baltimore convention, one of the speakers was Colonel Davis. Among the resolutions passed on this occasion was the following: "That the democracy of this country look upon the immediate re-annexation of Texas to the family of the Union, as an act expedient and necessary for the safety, the perpetuity, the glory, and the honor of the whole nation."²⁹ There is no reason for believing that putting the annexation of Texas upon broad grounds of national interest did not meet with the entire approval of Davis; a wide gulf separated him from those extremists in the state who pronounced themselves ready to advocate disunion in the event of the failure of annexation. In a word, his attitude on the whole reflected more faithfully than did Robert J. Walker the sentiment enunciated by the latter: "It is a great question of national interest too large and comprehensive to embrace any party or section less than the whole American people"; for while Walker in his famous letter did put the annexation of Texas upon national grounds, in his pamphlet entitled "The South in Danger" he appealed to narrow sectional interests, recommending annexation solely on the ground of perpetuating and extending the South's peculiar institution. When the campaign of that summer came to an end, Davis had made a reputation for himself as an able and a zealous advocate, a talented and fearless speaker, and one whose speeches combined an unusual degree of power and elegance.³⁰ The fol-

of him as a "gentleman of pleasing manners and address, possessing a musical and well-modulated voice." Another leading Whig organ, while complimenting his courtesy and his bearing toward his opponents, charged the speaker with skimming over the questions at issue, "touching only upon those points calculated to operate upon the feelings or interests of his audience." Another Whig after listening to the "school boy candidate." spoke of the excruciating effects upon his audience when at the close of his exordium, "Jeff Davis" drew from his pocket his written speech and proceeded to deal in a laborious manner with the issues of the campaign. The leading organ of the state right element attacked Davis because the young aspirant for political honors had declared in favor of military colleges in every state where the youth might be educated at public expense; too many aristocratic notions had been instilled into him at West Point. *Vicksburg Sentinel*, June 30, Nov. 3, 1845; *Yazoo Democrat*, Sept. 10, 1845; *Columbus Democrat*, Aug. 10, 1844; *Port Gibson Herald*, July 4, 18. 1844; *Vicksburg Weekly Whig*, Aug. 16, 1844; *Raymond Gazette*, Oct. 24, 1845.

²⁹*Free Trader*, June 14, 1844.

³⁰*Mississippi Democrat*, Feb. 12, Sept. 10, 1845. A contemporary spoke of the delight it was to listen to his "soft and mellow utterances, his

lowing summer he was chosen by the democratic state convention as one of Mississippi's representatives in congress.⁸¹

Henry S. Foote in his advocacy of annexation emphasized the benefits to be derived solely from a sectional point of view.⁸² Foote possessed a vigorous mind and was a man of unbounded energy. Of limited education he made extraordinary efforts to supply the deficiencies of earlier years. Of a courteous and affable demeanor in private life, his coarse attacks upon his political opponents drew forth allusions in kind from them and from the organs of the Whig party.⁸³ He would assail the town Whigs as the "most incorrigible of sinners" in that they opposed a measure fraught with so much importance to both countries; from the stubborn members of that party in Natchez and other Mississippi towns nothing was to be expected; it was to the plain men of the country,—the planters—whose all was at stake, that he looked for opposition to Clay and to abolitionism.⁸⁴ Yet as is well known it was from these very planters, Whig in politics and owners of three-fourths of the slaves in the black belt, that the most pronounced opposition to annexation came. In fact, it was a source of frequent complaint on the part of the Whig journals that three-fourths of those who made the most fuss about Texas and abolitionism and southern rights did not possess a single slave.⁸⁵

No Mississippian of prominence had been more deeply stirred by the events of the Texas revolution than John A. Quitman, who threw himself with ardor into the cause of the struggling Texans.⁸⁶

lucid arguments, and poetic fancy." Davis, *Recollections of Mississippi and Mississippians*, 193.

⁸¹*Mississippi Democrat*, July 16, 1845.

⁸²*Independent Democrat*, July 10, 1844; *Port Gibson Herald*, July 18, 1844.

⁸³*Cf. Constitutionalist*, Apr. 13, 1844; *Port Gibson Herald*, July 4, 1844; *Vicksburg Weekly Whig*, Aug. 26, 1844.

⁸⁴*Cf. Free Trader*, June 26, 1844.

⁸⁵"Isn't it amusing," remarked the *Natchez Courier*, "to hear a loco-foco who never owned a negro in the world, and in all probability never will by means of honest industry, talk in the most alarming tone about the institution of slavery, and insinuating that those who own hundreds of slaves are colleaguings with the abolitionists of the North?" *Cf. Constitutionalist*, Dec. 25, 1844; *Free Trader*, Oct. 23, 1844; Cole, *Whig Party in the South*, 104; Phillips, "The Southern Whigs," *Turner Essays in American History*, 219.

⁸⁶Claiborne, *Life and Correspondence of John A. Quitman*, I, 139, 192-194.

Like many another of his contemporaries he had zealously supported Van Buren until the appearance of his Texas letter.³⁷ With characteristic zeal he devoted his time and energy to the canvass waged in support of the nominees of the Baltimore convention. As early as January of the presidential year General Quitman was urging the citizens of every county to hold meetings upon the subject of annexation.³⁸ At a meeting held in Jackson on Friday evening, May 10, a long series of resolutions was presented by Quitman on behalf of the committee appointed to consider the subject of "reannexation." Besides dwelling upon arguments with which we are already familiar, these alluded to the menace to the country as a whole, and especially to the southwestern states if this territory should fall under the control of England. Indicative of the aggressive attitude of Quitman was the fifth resolution which, in the light of later day events, possesses an especial interest. This affirmed, the "United States have not only the right, but are in duty bound by a just, wise, and rational exercise of their influence and power to interpose in the dissensions and wars of their neighbors, when these have a tendency to disturb the peace and security of our frontier, or threaten to destroy the happiness, prosperity, and safety of any portion of our country." Especially significant as indicating a leading motive behind the desire for expansion was the seventh resolution, which declared "Re-annexation paramount to all other political questions of the day,—beneficial to the whole country, of deep and vital interest to the people of the slave states and essential to the prosperity, repose and safety of the southwest."³⁹

A figure that became well known to the voters of Mississippi during this memorable campaign was Felix Huston. He had figured prominently in the events connected with the Texas revolution of eight years before, was at one time in command of the Texan army and would have welcomed an opportunity to invade Mexico.⁴⁰ Huston was a fiery radical, representing the attitude

³⁷*Ibid.*, I, 214.

³⁸*Southron*, Jan. 17, 1844.

³⁹A committee of ten, of which Quitman was chairman, was designated to draft a constitution and by-laws for the "Texas Annexation Association," the object of which was to promote "by all quiet, legal, and constitutional means, immediate reannexation."

⁴⁰*Cf. Southwestern Historical Quarterly*, XXI, 6-18.

of the extremists in his advocacy of annexation. A Whig in politics until the Texas question became an issue in the canvass of 1844 and for a number of years a law partner of Sergeant S. Prentiss in New Orleans, he now became one of the most energetic advocates of the election of Polk and Dallas. Small in numbers, Huston and his following made up what may be termed the irreconcilables of the Democratic party so far as their attitude toward annexation was concerned.

In military affairs Huston had acted on the principle that "a short fight and long negotiation is not the way to gain a profit by victory."⁴¹ He now proceeded to put the opponents of immediate annexation on the defensive by an aggressive campaign in which extreme measures were urged in the event of annexation failing of achievement. In a democratic meeting held on July 3 at Natchez—the home of the "purse-proud speculating aristocrats"—addresses were delivered by Huston and Quitman, in the course of which the former vehemently attacked England's supposed abolitionist designs in Texas. The acquisition of Texas was depicted as being of vital importance to the South, necessary to the peace and security of the Union. Clay's letter upon the subject of Texas was assailed, and his election denounced as a great national evil; for deny it as they might, emancipation was one of the great objects of the Whig party.⁴² In an open letter ad-

⁴¹*MS.* Dept. Archives and History.

⁴²*Free Trader*, June 19, July 3, 31, 1844.

As was to be expected, this change of front on the part of one who for twenty years had been a follower of Clay led to bitter attacks being made upon Huston by the Whig journals of New Orleans and of Mississippi. These charged him with being a speculator in Texas lands, and made "the most infamous insinuations and slanders" as to General Huston's motives in advocating annexation. They made light of his argument that annexation was necessary to strengthen the South against the North, ridiculed his "blood-red efforts to be eloquent" as well as his speeches in which he saw "prefigured the lusty strides of John Bull." Democratic organs within the state took up the cudgels vigorously in his behalf, praised his speeches as "ardent and effective specimens of elocution," and declared he had been actuated by principle in abandoning an old and personal friend. Stress was laid upon the fact that he had renounced a highly lucrative law practice to aid Texas, returning from that country a poor man. It was added somewhat naively that his entire landed interest in Texas could be had for a good saddle horse and \$500 in gold. While the estimates assigned for his losses in Texas by partisan journals were doubtless exaggerated, the fact remains that large sums were laid out by him in equipping armed emigrants at the time of the Texas revolution. *Vicksburg Sentinel*, June 24, 1844; *Free Trader*, May 29, July 3, Aug. 4, 1844; *Woodville Republican*, May 25, 1844; *Inde-*

dressed to the Whigs of Louisiana and Mississippi Huston affirmed that his reasons for leaving the Whig party was not so much on account of the stand that party had taken on the annexation of Texas, but chiefly because that question involved the more serious one of the abolition of slavery. Huston had convinced himself that a Whig victory would mean an irretrievable blow at the institutions and prosperity of the South, ample proof of which was to be found in the utterances of the northern Whigs, the burden of which was the "sin and odium of slavery." The letter closed with the prediction that the anti-slavery crusade threatened utterly to prostrate the southern states or to force the union to its termination. Southern Whigs then should hesitate to fasten humiliating chains on the southern states or to drive them to desperation.⁴³

"Without Texas we cannot sustain slavery for ten years. If we must give up slavery, let us make the best terms we can; if not, let us unite for our preservation and be prepared for any emergency. If Texas is lost, political and fanatical abolitionism will stalk boldly into the halls of Congress, headed not only by the Adamses and Giddingses, but such as Webster and Seward, who will heap contumely and scorn on the Southern States and constantly endeavor to bring their moral character, their social relations, and their institutions into contempt." If the anti-slavery and abolition spirit continued to increase, then the Union could not and ought not to be preserved; and in any event it could not last unless based on an equality of feelings and interests.

As an ally of a foreign power Texas would be a constant menace to the southwestern border, whilst the possession of Galveston would cut us off from the navigation of the Gulf. To offset these impending dangers the only hope of the South lay in an alliance of that section with the democracy of the North and the states of the further West.⁴⁴ Thus did Huston set forth the views of the cotton South; his course in Mississippi politics at this time anticipated the attitude of such men as William J. Yancey, of Alabama, "the orator of secession," and of Robert Barnwell Rhett, of South Carolina. He was the most radical of the group of leaders whose

pendent Democrat, May 25, 1844; *Port Gibson Herald*, July 4, 1844. Cf. Kennedy, *History of Texas*, II, 241.

⁴³*Ibid.*, Sept. 18, Oct. 16, 1844.

⁴⁴Aug. 14, 28, Oct. 9, 1844.

names have been mentioned in connection with the aggressive campaign that was being waged for the extension of slave territory; under their guidance Mississippi was preparing to become "the most aggressive expansionist state in the Union in the years just preceding the civil war."⁴⁵

The fear that the South had begun to entertain for its peculiar institution from the time of the Missouri Compromise question⁴⁶ was naturally greatly intensified in consequence of the abolitionist propaganda, while in Mississippi pro-slavery sentiment had become crystallized prior to the decade with which we are dealing. When, therefore, Huston, Foote, and Brown pointed out the urgent need of "the annexation of Texas as essential to the future safety and repose of the Southern States," their arguments found a ready response in the minds of their hearers. Not only did the anti-slavery agitation in the United States lead "many of our southern citizens to long for separation and a union with slave-holding Texas";⁴⁷ it also accentuated the deep dread of a servile insurrection that hung over the slave section;⁴⁸ and as abolitionism assumed more and more of a political character, pro-slavery sentiment became intensified at the south, and grew more insistent in its demands for territory for further expansion.⁴⁹

But it was not only by governors, legislatures, and prominent

"Dodd, *Statesmen of the Old South*, 206. Among the numerous political gatherings which Huston addressed was one at Port Gibson in August. If we are to believe a Whig reporter who was present on that occasion, Huston after dwelling upon the paramount importance of annexation as involving the very existence of Southern prosperity, and more especially the fate of the institution of slavery, indulged in language something like the following: "That when it comes to fighting, the South could just whip any force that could be arrayed against it—we had the hearts and the hands to carry us in triumph through any war, foreign or domestic . . . of all the people on the footstool of the Almighty, we were unquestionably the most impregnable—we had the nerve, money and military to fight long, fight victoriously, to fight on a full belly without any prospect of want." *Port Gibson Herald*, July 18, 1844.

"Conger, "South Carolina and Early Tariffs." *Miss. Val. Hist. Rev.*, V, 422.

"Smith, *War with Mexico*, I, 83.

"*Natchez Gazette*, Oct. 26, 1831. Cf. *Charleston Courier*, Aug. 18, 1835; *New Orleans Bee*, Sept. 25, 1835. In 1835 Huston contributed to the *New York Courier and Enquirer* a letter upon this subject. In 1850 the views set forth in this letter were elaborated in a very interesting pamphlet entitled "The Military Strength of the Southern States, and the Effects of Slavery Therein. Addressed to the Southern Convention."

"Cf. *Free Trader*, Aug. 25, 1844; *Spirit of Koscusko*, Feb. 27, 1839.

leaders that the argument in favor of immediate reannexation on sectional grounds was advanced; in numerous public meetings, many of them non-partisan, and representing practically every section of the state, resolutions were adopted demanding re-annexation as of vital importance to the security and perpetuity of southern institutions. In the meetings in which members of both parties participated, they avow their intention "to bury the tomahawk of party warfare and contend shoulder to shoulder for the cause of annexation." It is not surprising to find the makers of these resolutions condoning, as the legislature had done seven years before, the institution of slavery. "Southern slavery confers countless blessings on both master and slave," runs one resolution; another "solemnly asserts the right to extend slavery as our wishes or interest may dictate." "Re-annexation" is declared to be paramount to all other political questions of the day. The burden of scores of resolutions representing every section of the state is that annexation was "absolutely and indispensably necessary to the preservation of our domestic institutions," and that right soon. To oppose annexation—and it was only from the abolitionists that opposition came—was "to strike a death-stab at the institutions of the South in their tenderest and most vital point." While it was criminal and dangerous to postpone such a "great national blessing" as the annexation of Texas, the measure was a question of life and death with southern men, with the citizens of the slaveholding states. "So essential do we deem it to the very existence of our domestic institutions, and the security of our families and firesides, that all who oppose obstacles to this great measure are foes to the prosperity and enemies to the security of our domestic institutions." If Texas were refused, no alternative would be left but for her to make terms with England, "our deadliest enemy"; for the thing most to be apprehended at this time was British interference with slavery.⁵⁰ Allusion to the possibility of England exerting her influence in a manner dangerous to the peace and safety of the southern states is a continually recurring theme in the arguments advanced by the advocates of annexation; and there can hardly be a doubt that the supposed

⁵⁰A Whig journal referred to the madcap and revolutionary meetings, where the Democratic champions grappled with each other on the Texas question, *Columbus Whig*, May 23, 1844.

designs of Great Britain upon Texas was a potent factor in crystallizing the sentiment for annexation. It was held to be degrading to the national honor "to sue for the consent of any other power, to be deterred by foreign threats." "Should England, the imperious mistress of land and sea, the especial guardian of the negro race, wherever that guardianship can redound to her own advantage,"—be permitted to interfere with affairs on this continent? A deadly blow would be aimed at the South if England should join with Mexico in the abolition of slavery. In fact, Mississippi afforded a conspicuous instance of the "continuous drumbeat of resentment and defiance against foreign interposition."⁸¹

As a rule disunion was deprecated as "the greatest evil that could befall us," but now and then an element representing the "left wing" or the "chivalry," as it was termed, would obtain control of a meeting, and then resolutions of an even more sectional cast than those described above would be the order of the day. One such group of "rabid nullifiers" in a meeting at Columbus declared that no man should be voted for who had not been the open, fearless, and consistent advocate of annexation; if the treaty of annexation, then pending, should be rejected, the South should hold a convention to act as emergencies might require; in the language of Jackson, it was a case of "peaceably if we can, forcibly if we must."⁸²

With one important exception, the tone of the public prints of Mississippi touching annexation may be summed up in the words,—

⁸¹Smith, *Annexation of Texas*, 302. Cf. Garrison, *Dip. Cor. Tex.*, II, 240; *Washington Daily Globe*, June 19, 1844, quoting the *New York Herald* of June 18.

⁸²The description of the meetings is based in the main upon contemporary newspaper accounts.

"Without Texas," said Colonel William Davis, addressing a meeting at Holly Springs on May 15, "we are hewers of wood and drawers of water to the North." A group of citizens in Claiborne county declared that while they grieved to see the Union threatened, nevertheless they desired the immediate annexation of Texas. If justice to Texas was not consonant with our treaty stipulations to Mexico, and the chances of war with England, "we dare frankly and boldly to meet the responsibilities of the alteration," for there were causes that justified the abrogation of all treaties. The Texas Association of Holmes county declared in a meeting at Franklin on June 8 that the opposition of Clay and Van Buren was a "mere temporizing expedient of political chicanery to secure the support of Northern abolitionists."

"'twere well done if it were done quickly."

The reasons for annexation which are dwelt upon with most insistence by the party organs are similar to those with which we have become familiar. The most widely read and influential party journal perhaps was the *Mississippi Free Trader*, published at Natchez, and edited for a time by John F. H. Claiborne, the well-known historian. From the beginning to the end of the campaign this paper strove to impress upon its readers the importance from every angle to the South of annexation. For this would ensure the safety of the southwest, secure the command of the Gulf, crush the abolitionist intrigues of England, and above all, give the slaveholding states a perpetual majority in the Senate of the United States. In editorial after editorial the Whigs of the North were charged with being open and avowed abolitionists, who were creating in the masses a deep and an undying hostility to the southern slaveholder,—“having read us out of the church of God they claim the privilege of interfering in our domestic relations and of promoting the abolition of slavery throughout the world.” As the day of election drew near, the *Free Trader* became almost frantic in its appeals to the “patriots of all parties” to awake to a sense of their danger involved in the election of Clay; the mass of the northern Democrats were with the South on the Texas question; only the election of the Democratic nominees could save the freemen of the South from being driven in a few years either “to abolish slavery or to defeat it with their swords.”⁸⁸

So far as the other Democratic journals are concerned, most of them simply reiterated the arguments of the *Free Trader* in favor of annexation. The radical *Vicksburg Sentinel* declared that all other questions were mere moonshine compared with the annexation issue, involving as it did the great contest between slave institutions and abolition. It solemnly warned southern Whigs “there is swelling up on all sides a feeling against slavery, increasing so fast that this may be the last Congress in which the

⁸⁸The *Vicksburg Sentinel*, Jan. 20, 1845, complained that scheming politicians were seeking to array the moral and religious feeling of the world against Southern institutions.

South will have it in her power to protect herself."⁵⁴ It was enough for the *Sentinel and Expositor* that Jackson had pronounced in favor of immediate annexation, for the editor would "sooner pin our political faith to the cast-off shoes of the old veteran and champion than to the brains of most other men." Admiration was expressed for the delicacy and honesty of Van Buren,—but "we go for Texas *now*, for Texas *always*."⁵⁵ The most important contribution made to the subject by the *Independent Democrat* was comprised in an editorial entitled "Party Divisions." In this the writer urged a new alignment of parties: in the first place, northern and southern Democrats had little in common save opposition to a national bank, which question was a "mere bagatelle"; too many northern Democrats were opposed to free trade, too many had voted for the admission of abolitionist petitions. The southern branch of the Whig party was more akin politically to southern Democrats than to the northern Whigs. In short, the time had come when parties in the South should unite against the enemies of free trade, of southern slavery and of the annexation of Texas.⁵⁶ Upon receipt of the news of the passage by the House of Representatives of the resolution in favor of annexation, the *Columbus Democrat* exclaimed: "Now is the golden moment; if the resolution is not acted on at this session, Texas will be lost to us forever,"—in which event a Whig Senate "must forever bear the curses and execrations of an outraged and an injured people."⁵⁷ The slogan of the *Holly Springs Guard*, the leading organ of the party in the northern part of the state, was "For annexation cost what it may"; for the measure was fraught with the immediate and permanent welfare of the South and West. In an editorial entitled "Measures, not Men," the editor used this language: "The Democracy of the South must proclaim to the world their determination to forsake all else and cleave to southern interests and institutions. Clay has but to speak and his

⁵⁴*Vicksburg Sentinel*, Feb. 7, 14, Apr. 2, 29, 30, May 8, June 12, Oct. 30, 1844; Jan. 30, Feb. 14, 1845.

⁵⁵*Sentinel and Expositor*, May 21, 1844.

⁵⁶*Independent Democrat*, Feb. 3, 17, Mch. 27, June 15, July 27, 1844. The *Free Trader*, Oct. 30, 1844, commented: "South Carolina erred, but was pure and patriotic."

⁵⁷*Columbus Democrat*, Apr. 27, May 11, 1844; Jan. 11, Feb. 15, Mch. 1, 1845. Cf. *Diary of James K. Polk* (Ed. Quaife), IV, 41.

servile horde cry, 'Vive le roi,'—but his election spells ruin for the South."⁸⁸

Radical in the extreme were the *Southern Reformer* and the *Jeffersonian*. The former journal declared the rejection of the treaty "an audacious outrage upon the rights of a free people. . . . The South indignantly calls upon the foul traitors who have despised and vilified her authority to resign their seats." The action of South Carolina in threatening disunion was condoned by the *Jeffersonian*: for the existence of such threats "our northern taskmasters must shoulder the responsibility." "Our Federal Union—it must be preserved; if it must be sacrificed, let the fair fields of the South be the theatre, where the last struggle shall be made."⁸⁹

The question may naturally be asked, What evidence is there that such arguments as were urged by the public prints of the state and by such men as Huston and Quitman for immediate annexation were decisive in influencing to any marked degree public sentiment? In other words, were those voters who turned the scale in favor of Polk and Dallas influenced by the danger to southern institutions rather than by any other issue of the campaign? So far as reflecting voters are concerned it would seem that the very vehemence with which Democratic journals and the more radical advocates of annexation depicted the dire consequences that would ensue in the event of Clay's election would cause their arguments to be dismissed as mere campaign gusto. On the other hand it is not difficult to believe that in the mind of many a voter the question would naturally arise, "Suppose after all a real danger does confront the South?" Few would stop to think that the election of Polk did not necessarily imply the immediate annexation of Texas, and a ballot cast for the Democratic nominees would register a protest against the unholy designs of England

⁸⁸*Holly Springs Guard*, Apr. 3, May 15, 29, July 10, 1844; Jan. 15, 22, Mch. 19, 1845. Cf. Smith, *Annexation of Texas*, 307: "Clay appeared cold, timid, and anti-Southern compared with Polk."

⁸⁹*Jeffersonian*, Aug. 1, 15, 1844; Mch. 1, 1845. The *Radical Democrat*, *Oxford Observer*, *Yazoo Democrat*, and *Ripley Advertiser* all urged that annexation would strengthen the political power of the slaveholding states; this was the first great desideratum, while the usual train of advantages were set forth which it was held would accrue in consequence of incorporating Texas within the Union. *Radical Democrat*, July 27, Aug. 10, 27, 1844; *Oxford Observer*, Aug. 10, 1844; *Yazoo Democrat*, Nov. 12, 1844; Dec. 10, 1845; *Ripley Advertiser*, Feb. 22, 1845.

upon Texas. For a number of reasons as has been shown the acquisition of Texas seemed a desirable thing to the people of Mississippi, just as it did to those of other southern states. From the "procurement of Louisiana" to the acquisition of the Philippines, the party of expansion has always triumphed at the polls when the issue has been put squarely before the American people. And while partisan organs naturally exaggerated the advantages that would accrue from the incorporation of Texas within the national domain, and depicted in lurid colors the danger to southern interests from the loss of Texas, when we take into consideration the prominence generally given to the annexation issue, the non-partisan character of many of the meetings held to further the cause of expansion, the comparatively wide-spread and deep-seated apprehensions entertained by reason of the abolitionist propaganda, it would seem the conclusion may fairly be drawn that one of, if not, the most potent argument with the mass of Democrats and certainly with those Whigs who deserted their party, was the fear of losing Texas and the consequent danger to the slave interests of the South. There can hardly be any doubt that the continued reiteration of the danger to southern institutions unless more slave territory were secured had its weight with Whig voters; for as the campaign drew to a close, evidence continued to accumulate of the falling away of voters within the ranks of the followers of Clay. And the most plausible explanation that can be offered for this was the fear that the election of the great Whig leader would involve the loss of Texas, with all the benefits that it was pictured would accrue from its possession, besides injuring the South in its most vital interests.

The support accorded Robert J. Walker by Democratic journals of the state may be accounted for on purely partisan grounds, though first and last Walker proclaimed "the only hope of the South is in the annexation of Texas"; but the deep admiration entertained for the character and talents of Calhoun by journals of every shade of political opinion within the state can be fully explained, it would seem, only by reason of the fact that above all others he was recognized as "the bold and fearless assertor of southern rights," "the undisputed champion of the domestic institutions of Mississippi and her sister states," the one who had put the subject of annexation "before the Senate and people of

the United States as a sectional question, necessary to the salvation of the South and her peculiar institutions."⁶⁰

From communications of individuals as set forth from time to time in different journals may be gathered the drift of public opinion so far as the "average citizen" is concerned. One such correspondent hailing from Warren county argued that the broad foundation upon which opposition to Texas rested was hostility to the domestic institutions of the South. He recurs to what had become almost a shibboleth of party doctrine: "If not annexed now, Texas will be lost forever. It is idle to preach delay; the time of action has arrived; if neglected, the opportunity of annexing Texas will probably be lost forever, and British emigrants controlling her elections will soon rear a power hostile to our government and deeply dangerous to the South."⁶¹ Another citizen expressed the belief that unless Polk was elected, in a few years the country would be divided in name, as it already was in fact, into a northern and a southern confederacy. "It is high time the South should begin to act with a concerted spirit."⁶² To another it was perfectly evident that the secret of the opposition to Texas was because the South believed annexation was necessary to give security and perpetuity to her slave property. To still another the great question was, "Shall we erect a bulwark against European attacks upon our domestic safety, or suffer a foreign power to get such a foothold as will enable it to break down the established institutions in which the South is vitally interested?"⁶³

In conclusion a few comments may be quoted as indicating the bearing of the election upon the question of annexation from the point of view of certain spokesmen of the Democratic party. During the course of a speech upon the Oregon bill, January 30, 1845, in the national house of representatives, Jacob Thompson of Mississippi spoke as follows: "If, in the late election, the American people did not clearly and distinctly settle the subjects of Texas

⁶⁰*Woodville Republican*, Apr. 6, 1844; *Vicksburg Sentinel*, Apr. 22, 1844; *Holly Springs Guard*, Feb. 14. Mch. 27, 1844; *Columbus Democrat*, Feb. 22, 1845. Cf. Dodd, *Jefferson Davis*, 72; Reeves, *Diplomacy under Tyler and Polk*, 137; Cole, *Whig Party in the South*, 12. Claiborne, *Life and Correspondence of John A. Quitman*, I, 111, refers to Calhoun's unpopularity in Mississippi at an earlier period.

⁶¹*Sentinel and Expositor*. June 12, 18. 1844.

⁶²*Free Trader*, Sept. 18, 1844.

⁶³*Independent Democrat*, July 27, 1844.

and Oregon, they settled nothing."⁶⁴ According to the *Columbus Democrat*, the issue had been fairly made up and a "majority of the people have decided that Texas must and shall be annexed."⁶⁵ "Annexation," declared the *Holly Springs Guard*, "was the great and paramount issue of the last campaign."⁶⁶ A meeting of the democratic association of Adams county affirmed that the voters had, in addition to declaring against the policies of the Whig party, solemnly decided "that the soil and sovereignty of Texas is not to be left to British cupidity."⁶⁷ The *Ripley Advertiser* was convinced that Texas and Oregon were directly in issue at the last election, a decision being explicitly expressed by the American people.⁶⁸

The *Southern Reformer*, upon receipt of the news of annexation, issued an extra edition heralding the "Great and Glorious Victory." "It is with feelings overflowing with joy that we announce to our people the annexation of Texas by the American Congress." To Robert J. Walker was due the thanks and praise of his fellow countrymen, "who will hold his action in grateful remembrance during his yet more brilliant career."⁶⁹ This was a well deserved tribute to the man to whom more than to any other the annexation of Texas was due. In annexation the *Vicksburg Sentinel* saw the rebuke of abolitionism and of the spirit that culminated in the Hartford convention. "The South is safe! The Union will be preserved!"⁷⁰ In an address to the citizens of Wilkinson county, Douglas H. Cooper, a politician of some local prominence, spoke as follows: "The Democrats of 1844 thought the best and in fact the only way to prevent the designs of England in regard to Texas was to take that republic under the protection of the United States, and fight for it *afterwards* if necessary. Hence in supporting annexation they were asserting and maintaining the great American doctrine of non-interference, by monarchical governments, with the affairs of this hemisphere."⁷¹ In a eulogy of Polk delivered

⁶⁴*Cong. Globe*, 28 Cong., 2 Sess., 221.

⁶⁵*Columbus Democrat*, Nov. 30, 1844.

⁶⁶*Holly Springs Guard*, Mch. 19, 1845.

⁶⁷*Free Trader*, Nov. 26, 1844.

⁶⁸*Ripley Advertiser*, Feb. 22, 1845.

⁶⁹Quoted by the *Brandon Disseminator*, Mch. 15, 1845.

⁷⁰*Vicksburg Sentinel*, Mch. 11, 1845.

⁷¹Contemporary pamphlet.

by C. S. Tarpley in the Mississippi House of Representatives, February 22, 1850, the speaker after referring to the fact that it was left to Polk to grace his administration by adding the "lone star" to our galaxy, gave expression to the following sentiment: "Here was a conquest not marked with blood, or sullied with national crime." By this act a fresh guarantee had been given to southern rights.⁷²

In summarizing the results that may fairly be deduced from the foregoing study, the conclusions arrived at are in a measure the same as those which have been set forth by other writers in dealing with the annexation question in the presidential campaign,—namely, that in Mississippi as elsewhere there was no clear-cut issue between annexation and anti-annexation, but that those who voted for Polk were influenced by a number of considerations; yet it is perfectly evident, it would seem, in view of the evidence that has been presented, that could every other issue have been eliminated, an overwhelming majority of the voters of Mississippi would have recorded a preference in favor of the immediate annexation of Texas. The most potent consideration by which the advocates of annexation were moved was unquestionably a desire to protect the declining slave interests of the South. Second only to this was probably the determination to prevent interference on the part of England, whose abolitionist designs were chiefly feared; practically every other reason why the presence of a foreign power upon the southwest border would work injury to the South and to the nation as a whole is to be met with in the arguments advanced by the advocates of annexation in Mississippi.⁷³

⁷²"Eulogy of James K. Polk," 23 (Jackson, 1850).

⁷³So far as the so-called economic arguments are concerned, it is difficult to believe that any of these had a decisive influence in arousing a genuine sentiment in favor of immediate annexation; of these the most potent perhaps was the danger to be apprehended from the possibility of Texas as an independent state supplying England with cotton to the injury of the Southern states.

THE TEXAS CONVENTION OF 1845¹

ANNIE MIDDLETON

III. THE WORK OF THE CONVENTION

1. *The Acceptance of Annexation*

Of the sixty-one deputies to be elected to the convention, President Jones apportioned fourteen from the twelve western counties, eleven from the five northern, thirteen from the eight eastern, and twenty-three from the eleven middle. According to the votes cast at the last annual election, this gave an average of one deputy for every one hundred and fifty-four voters in the west, for every two hundred and twenty-seven in the north and east, and for every two hundred and twenty-three in the middle counties.² This basis of representation was more favorable to the West than its most enthusiastic advocates could have expected to obtain from Congress; therefore, all party dissension, all petty jealousies, and all antipathies were forgotten. Moreover, numerous sources of evidence emphasize the fact that this apportionment was satisfactory not only to the West but also to every other section of the Republic. *The Texas National Register* (Washington), May 14, said, "The representation appears to be predicated upon the most equitable basis, and will doubtless meet with the sanction of the true friends of annexation in every part of the Republic." Upon receiving the proclamation recommending the election of deputies to the convention, D. S. Kaufman of Sabine Town wrote President Jones:

. . . The basis is just, equitable, and Republican, and for it you will receive the thanks of a large majority of your fellow-citizens. The country knows and appreciates your motives. They know well that if Congress had fixed the basis, it would have been perhaps almost impossible to secure a different one; that amidst conflicts among the members, the great question of annexation would have been delayed if not defeated. . . .

¹This is a continuation of Miss Middleton's paper in the April *QUARTERLY* on "Donelson's Mission to Texas in Behalf of Annexation." Together the two articles constituted her thesis for the M. A. degree at the University of Texas.

²*Texas National Register* (Washington), May 8, 1845.

Your proclamation was received here, and everywhere I can hear from, with the utmost enthusiasm. It has at once satisfied your numerous friends. . . . The basis may not suit some as well as that Congress would have established, but nevertheless it is founded upon the basis of eternal justice; it suits two-thirds of the people, and *will not be attacked*. . . .

In his endorsement of this letter, Jones said: "Mr. Kaufman is as ardent and as intelligent a friend of annexation as there is in Texas or in the United States. If he is perfectly satisfied with my course, I think I must be right." Furthermore, the President's course was very satisfactory to a large majority of the friends of annexation not only because the basis was considered "just and equitable," but, also, because it would accelerate the meeting of the convention by at least two months, and would thus give ample time for deliberation and action, which could not safely be taken if the convention had not met until called by Congress. Time for deliberation was imperative, for the joint resolution required, as we have seen, that the state constitution should be adopted by the people and should be transmitted to the President of the United States in time for him to present it to Congress on or before January 1, 1846.

During the month of May, almost every county in the Republic held public demonstrations endorsing the action of President Jones in calling the convention. The mass meeting held at Brenham, May 12, is one of the many instances in which the people publicly expressed a desire to consummate annexation speedily on the basis of the American proposal. At this meeting the people expressed their approval of the President's proclamation, instructed their senators and representatives to accept the joint resolution as soon as possible after Congress had assembled, urged all the counties to elect delegates to the convention on June 4, and appointed a committee of five to assist in carrying out the measure of annexation by corresponding with other committees in the Republic.⁴ Despite the fact, however, that the people had expressed so enthusiastically their preference for annexation, on May 14 a public meeting at Bastrop condemned the President for calling the con-

⁴Kaufman to Jones, May 22, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 464-465.

⁴*Texas National Register* (Washington), May 15, 1845.

vention, and on June 19, the anti-annexationists met at Crockett and agreed to use all honorable means in their power "to perpetuate inviolate the independent national existence of the Republic of Texas."⁵

Heretofore, the middle and eastern counties had been the bitterest opponents of the President, but in the calling of the convention they gave him their unanimous support, as their main object was to secure annexation with as much unanimity and as little delay as was practicable, and they believed that this act settled annexation so far as it rested with the people of Texas. Another reason for endorsing the President's action was that they considered a united cooperation of the people with the executive and legislative branches as the only possible means of effecting annexation, since the whole proceeding was extra-constitutional, and since it was only by the consent of the government then existing that any steps taken for effecting an organic change in the laws could become valid. Regardless of this fact, however, some of the anti-party men still desired to overthrow the Jones administration. In consequence of this, the *Texas National Register* urged the opponents of the President to "abstain from any violent and irregular proceedings, and not to attempt to disorganize the present Government," as they had threatened to do. On the day appointed by the President, every county in the Republic held the elections, which were generally characterized by good order and harmony, but which in a few instances ended in most shameful rows. At La Grange several men were seen "rolling in the dirt, scratching and tearing each other's clothes and faces," and this scene was followed by a duel, which resulted in the death of the late sheriff of the county.⁶ Since the people considered that their dearest interests would be in jeopardy in the convention, they elected their most experienced and ablest champions to represent them in the new political arena, but only two of the delegates chosen were native Texans. The others were former citizens of the United States, a majority of whom had come to Texas during the era of the Republic.⁷

⁵*Texas National Register* (Washington), June 26, 1845.

⁶*Texas National Register* (Washington), June 11, 1845.

⁷Elliott to Aberdeen, August 22, 1845. SOUTHWESTERN HISTORICAL QUARTERLY, XX, 302.

Congress expressed its approval of the convention by passing the following act, June 23, 1845:

Section 1. Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the members of the Convention, assembled by the President for the purpose of framing a constitution preparatory to the admission of Texas into the Union, be, and they are hereby entitled to the same pay and mileage as the members of Congress are now entitled to by law, and such officers as the Convention may deem necessary to elect shall be entitled to the same pay as similar officers of the House of Representatives.

Section 2. Be it further enacted, That the members of said Convention shall be entitled to franking privileges and all other privileges secured by the members of Congress.

Section 3. Be it further enacted, That a sufficient amount of money is hereby appropriated to pay the expenses above contemplated and such necessary contingent expenditures as may be voted by said Convention, which amount shall be paid by the Treasurer, on the joint warrant of the President and the Secretary of the said Convention.⁸

The convention had been called to meet at Austin, July 4, 1845, but as a majority of the delegates elect were in the city before the appointed time, an informal meeting was held in the afternoon of July 3. After some discussion, Thomas J. Rusk,⁹ acting as chairman of the meeting, appointed a committee of fifteen to draft an "ordinance expressive of the consent of the people of Texas to the terms, conditions, and guarantees" contained in the joint resolution. The members of this committee were: A. S. Lipscomb, Francis Moore, James Love, Isaac Van Zandt, Wm. L. Cazneau, L. D. Evans, H. G. Runnels, John Hemphill, A. Pinckney Henderson,¹⁰ J. M. Lewis, R. E. B. Baylor, James Davis, G. W. Smith, John Caldwell, and G. A. Everts. These met in the evening, and remained in session until almost midnight before they accepted

⁸*Texas National Register* (Washington), July 17, 1845.

⁹As Rusk had been a member of the convention of 1836, he was not a novice in constitution making. Since then he had held the important offices of Secretary of War, Chief Justice of the Supreme Court, and major general of the militia. Baker, *A Texas Scrap Book*, 264.

¹⁰J. Pinckney Henderson was perhaps the ablest member of this committee. He had served the Republic as Attorney General, Secretary of State, and Minister Plenipotentiary to France, England, and the United States. QUARTERLY OF THE TEXAS HISTORICAL ASSOCIATION, I, 190-195.

the terms offered in the first and second sections of the joint resolution for annexing Texas to the United States.¹¹

The convention that held its first formal meeting at the capitol on the morning of July 4, is generally conceded to have been the "ablest political body that ever assembled in Texas," and "it may be seriously doubted whether at the present time a body of delegates could be selected who would represent an equal variety of legal knowledge and an equally extensive experience in the administration of laws."¹² They exhibited a great diversity of opinions, wishes, and views, and the very object for which they had assembled was of such a nature as to develop the most conflicting opinions and the most opposite theories. Therefore, it was often necessary to effect a compromise before a satisfactory agreement could be reached.

When the session opened, H. G. Runnels formally proposed Rusk for President, and as no other names were offered, the convention declared him "duly and unanimously elected." He then addressed the assembly, saying:

. . . The objects for which we have assembled deeply interest the people of Texas. We have the hopes of our present population as well as of the millions who may come after us in our hands. . . .

Let us then lay aside all minor considerations, and avoid all subjects calculated to divide us in opinion, and let us march boldly and confidently up to the formation of a Constitution, which, while it secures our own rights, shall satisfy our friends abroad, and meet the sanction of God to whose bountiful providence Texas is already so much indebted. While we insert these great principles which have been sanctioned by time and experience, we should be careful to avoid the introduction of new and untried theories. We should leave those who are to follow us free to adopt such amendments to the system as their experience and intelligence shall suggest and their circumstances render necessary. We have one great object in view, and that is to enter the American Confederacy with becoming dignity and respect.¹³

After the address the convention completed its organization by electing J. H. Raymond, secretary, Wm. Cockburn, doorkeeper, W. Haynie, chaplain, and F. G. Fisher, interpreter.

¹¹*Texas National Register* (Washington), July 17, 1845.

¹²W. Winkler, in Johnson, *Texas and Texans*, I, 486.

¹³*Debates of the Convention*, 6-7.

In order to facilitate the work of the convention, President Rusk appointed five standing committees, namely: on the State of the Nation, and on the Executive, Legislative, Judiciary, and General Provisions of the constitution. He, also, appointed a committee of five to prepare rules for the convention. Isaac Van Zandt¹⁴ was chairman of the committee on General Provisions and a member of the committee on rules.¹⁵

The following is a list of delegates elected to the Convention:

Austin county—Oliver Jones and P. M. Cuney.
Brazoria—H. G. Runnels and R. M. Forbes.
Brazos—Samuel Lusk.
Bastrop—John Caldwell.
Colorado—G. W. Brown.
Fannin—G. A. Everts and Lemuel Evans.
Fort Bend—J. B. Miller.
Fayette—R. E. B. Baylor and J. S. Mayfield.
Galveston—R. Bache and J. Love.
Goliad—Wm. L. Hunter.
Gonzales—John D. Anderson.
Houston—Isaac Parker and P. O. Lumpkin.
Harris—Francis Moore, I. W. Brashear, and Alex McGowan.
Harrison—Isaac Van Zandt, S. Holland, and Edward Clark.
Jasper—G. W. Smith.*
Jefferson—J. Armstrong.*
Jackson—F. M. White.
Liberty—J. Davis and G. T. Wood.
Lamar—G. W. Wright and H. R. Latimer.
Montgomery—Sam Houston, James Scott, and A. McNeil.
Matagorda—A. C. Horton.
Milam—I. Standefer.
Nacogdoches—T. J. Rusk, J. L. Hogg, and C. T. Taylor.
Rusk—David Gage.
Robertson—H. J. Jewett and C. Armstrong.
Refugio—J. Powers.
Red River—T. C. Young, A. H. Latimer, and J. T. Mills.

¹⁴Van Zandt had served the Republic as a member of Congress and minister to the United States.

¹⁵*Journal of the Convention*, 17.

*Members of Congress.

San Augustine—J. P. Henderson and N. H. Darnell.

Shelby—R. Rains and A. W. O. Hicks.

Sabine—J. M. Burroughs.

San Patricio—H. L. Kinney.*

Travis—W. L. Cazneau.

Victoria—A. S. Cunningham.*

Washington—A. S. Lipscomb, J. Hemphill, and V. R. Irion.¹⁶

The convention being duly organized, the communication from President Jones was read, the contents of which are given below:

In compliance with one of the provisions of a Joint Resolution of the present Congress, entitled "A Joint Resolution giving the consent of the existing government to the annexation of Texas to the United States" approved on the third inst., I now have the honor to transmit you a copy of the said Joint Resolution properly authenticated at the State Department.

Believing the Convention might have use for them, I also transmit you copies of the following official documents:

1. A joint resolution for annexing Texas to the United States, approved March 1st, 1845.

2. A Proclamation recommending the election of deputies to the Convention.

3. A Proclamation declaring to the people of Texas the actual situation of affairs with Mexico, and a cessation of hostilities between the two countries.

4. Conditions preliminary to a Treaty of Peace between Texas and Mexico.

5. Joint Resolution relative to the introduction of United States troops and for other purposes.

On motion of A. S. Lipscomb, President Rusk appointed a committee, composed of the same members as that of the previous day, to draft an ordinance, "expressing the assent of the convention to the American proposition." This committee, after an absence of a few minutes, reported the following ordinance, and recommended its adoption by the convention:

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five; and whereas the President of the United

¹⁶*Debates of the Convention*, 5-6. Houston was elected as a delegate, but since he was in the United States and did not return in time for the convention, C. B. Stewart was permitted to take his seat.

States has submitted to Texas the first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the States of the said Union; and whereas the existing government of the republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

[The two first sections of the joint resolution of the Congress of the United States are here quoted.]

Now, in order to manifest the assent of the people of this republic, as required in the above recited portions of the said resolutions, we, the deputies of the people of Texas, in convention assembled, in their name, and by their authority, do ordain and declare, that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid.¹⁷

Despite his previous objections to the terms proposed by the United States, J. S. Mayfield, former Secretary of State, moved the adoption of the ordinance as submitted by the special committee. Thereupon, without any discussion, the vote was taken and there was but one dissenting voice, R. Bache of Galveston, and he affixed his signature to the resolution after it was adopted by the convention. President Rusk at once sent certified copies of the ordinance to President Jones, to be by him transmitted to the President of the United States.¹⁸ On July 5, Donelson, who, as an interested observer, had been in attendance upon the congress at Washington, arrived in Austin, where Rusk immediately furnished him with a certified copy of the ordinance. This Donelson forwarded by a special messenger to Buchanan.¹⁹

In reply to President Rusk's note accompanying the ordinance Donelson said:

From the date of the acceptance of this Ordinance she [Texas] will have acquired the right to the protection of the United States, and the undersigned is happy to inform you that the President has already taken steps to afford this protection in the most effective manner against future invasion by either the Mexicans or Indians.²⁰

¹⁷*Journal of the Convention*, 8.

¹⁸*Journal of the Convention*, 11.

¹⁹Donelson to Buchanan, July 6, 1845. *Senate Document I*, 29 Congress, 1 Session, I, 96.

²⁰Donelson to Rusk, July 6, 1845. *Texas National Register* (Washington), July 24, 1845.

On the afternoon of June 21, Captain Waggaman arrived at Washington with dispatches for President Jones and Donelson, from General Taylor, who commanded the three thousand troops stationed at Fort Jesup. The substance of these dispatches was to the effect that L. Thomas, the assistant adjutant general, had ordered Taylor to protect Texas against a Mexican invasion.²¹ A few days after receiving this dispatch from General Taylor, Donelson, anticipating with certainty the favorable decision of the convention and seeing the strong temptation which might prompt the Mexicans to make a forced march across the Rio Grande for the purpose of disturbing the convention, had advised General Taylor to advance without delay to the western frontier of Texas and occupy the territory between the Nueces and the Rio Grande.²²

On July 7, the convention adopted a resolution "authorizing and requesting" the American troops to occupy and establish posts without delay on the exposed frontier. Donelson did not encourage an aggressive movement, but as he thought the claim of Texas to the Rio Grande ought to be maintained, he again assured the convention that the United States would, in good faith, maintain the Texan claim. During the first two days of the convention there had been a disposition in some members of the convention to demand in "strong terms" that the Rio Grande be held as the boundary but members of all parties yielded to Donelson's protestation, and gave him the assurance that this would not be made a *sin qua non*.²³

2. *The Formation of the Constitution*

a. *The Executive Department*

One of the first reports considered by the convention was that submitted by the Committee on the Executive. The provisions that the executive power should be vested in a governor chosen biennially by the qualified electors, that he should not be eligible for more than four years in a period of six, that he should appoint

²¹Donelson to Stockton, June 22, 1845. *Senate Documents* I, 29 Congress, 1 Session, I, 86.

²²Donelson to Allen, June 30, 1845. *Senate Documents* I, 29 Congress, 1 Session, I, 95-96.

²³Donelson to Buchanan, July 11, 1845. *Senate Documents* I, 29 Congress, 1 Session, I, 101-104.

all officers not otherwise provided for, that he should have the power to grant pardons and reprieves, and that he should see that all laws were faithfully executed were adopted without much discussion. But the question of veto on legislation received considerable attention, since there was a diversity of opinion as to the propriety and wisdom of vesting this power in the governor. The committee had recommended that the executive's veto be overruled by a majority vote, but Frank Moore, thinking that this would not give the executive sufficient strength, moved to substitute "two-thirds" for "majority." R. E. Baylor declared that if this extent of power was given to the executive, there would be much dissatisfaction and that it would eventually lead to "disastrous consequences." In reply to this Van Zandt said that "power is dangerous," and the only way to disarm it and free it from a dangerous tendency is to divide it. If the unlimited power to enact laws is vested in Congress alone, it will produce more "confusion and disorganization than any power vested in the governor." President Rusk in his discussion dwelt at length upon the advantages of the provision, since it would tend to prevent "hasty legislation" and "too much legislation." A. S. Lipscomb admitted that it would have "a wholesome and salutary effect upon hasty legislation," nevertheless, he considered it inconsistent with the principles of all free governments for the will of the majority to be thwarted by the veto of the governor. Others objected to the veto power, as they were unwilling for the governor "to participate in any manner whatsoever in the legislative power." However, despite the fact that several of the most influential members of the convention opposed the adoption of either the provision as recommended by the committee or the substitute offered by Moore, the latter was adopted by a large majority.²⁴

Another section of the executive committee's report that met with strong opposition was the provision that the Secretary of State should be elected by the qualified voters. The editor of the *Texas National Register* in commenting upon this recommendation said:

This provision is taken from the Mississippi constitution, and embodies the most reprehensible notion of that most reprehensible

²⁴*Debates of the Convention*, 134-146.

government. The governor by this method is made a mere puppet of authority, and for all we can see might with all propriety be dispensed with altogether. He is placed at the head of the department, is made responsible for its management, and is charged with the execution of its duties; yet his subordinate officers are rendered independent of him. He can neither appoint nor remove them. They, like himself, are elected by the people. The Secretary of State, the Treasurer, and the Comptroller are given to the Executive department rather to restrict and thwart the measures and policy of the governor than to aid him in public affairs. . . . To expedite public business and to secure the welfare of the State, the officers of the departments must act together in harmony, and this will not often be the case, unless the governor is authorized to appoint those officers whom he is required to superintend, and for whose defaults he is in some degree responsible.²⁵

On the afternoon of July 18, the convention went into a committee of the whole for further consideration of the report of the Committee on the Executive. Runnels proposed that the Secretary of State be "appointed for a term of four years by the governor, by the advice and consent of the Senate," instead of being elected by the qualified voters as the committee had recommended. These objections were made to this amendment: (1) that it would give the governor too much power and make the secretary his mere tool, (2) that since the duties were entirely distinct and separate, the secretary should derive his authority from the people and not from the governor; and (3) that the governor should have no power that the people could exercise. The reasons given for desiring to vest this power in the governor were: (1) that since their political duties brought them into very close relation, it was very essential for them to work in harmony, and that this would be assured by the governor's making the appointment; (2) that the governor's power would be increased; and (3) that the governor would be responsible for the conduct of the secretary.²⁶

After the convention had discussed the question for some time, R. Bache, of Galveston, proposed that the secretary should be appointed for the same length of time as the governor elect,²⁷ and this recommendation was later adopted by the convention, along

²⁵*Texas National Register* (Washington), July 11, 1845.

²⁶*Debates of the Convention*, 118-132.

²⁷*Debates of the Convention*, 132.

with the proviso that the treasurer and comptroller should be elected biennially by the joint ballot of both houses.²⁸

b. The Judicial Department

Since President Rusk considered the Judicial Department the most important branch of the government, he appointed as members of the Committee on the Judiciary, fifteen of "the most learned judges and soundest lawyers of Texas."²⁹ On July 11, this committee made the following report concerning the judges of the supreme court and of the district courts:

Sec. 5. the Governor shall nominate, and, by and with the consent of two-thirds of the Senate, shall appoint the Judges of the Supreme and District Courts.

Sec. 6. The Judges of the Supreme Court . . . shall hold their offices for seven years.

Sec. 7. The Judges of the District Courts . . . shall hold their offices for six years.³⁰

On July 26 the Convention resolved itself into a committee of the whole for a consideration of this report. As there had been much dissatisfaction with the recommendation that the governor should appoint the judges, W. C. Young proposed that the judges of the supreme court and of the district courts should be elected by a joint vote of both houses. However, this amendment was rejected, and J. M. Lewis offered another amendment providing that the judges should be chosen by the qualified voters.³¹ Just before the convention had assembled, Mississippi had provided this means of selecting her judges, and numerous articles had appeared in Texas papers urging the convention to adopt this plan.³² Nevertheless, a majority of the convention deprecated its introduction into the Texas constitution for these reasons: (1) that all citizens were not capable of determining the fitness of judges, hence many incompetent men might be chosen; (2) that the ablest and best men would not "run for an office," but would often accept an appointment; (3) that the judges might not render an impartial

²⁸*Journal of the Convention*, 354.

²⁹*Texas National Register* (Washington), July 17, 1845.

³⁰*Journal of the House*, 47-48.

³¹*Debates of the Convention*, 281.

³²*Texas National Register* (Washington), July 17, 1845.

decision when their supporters were involved; and (4) that all individual responsibility for their selection would be removed. Therefore, it was provided that the governor should nominate, and, by and with the advice and consent of two-thirds of Senate, should appoint the judges of the supreme court and of the district courts.³³

As the Committee on the Judiciary had not designated the salary for the judges, the convention engaged in a very interesting debate on this subject. Great diversity of opinion was expressed as to the amount they should receive, and sums ranging from fifteen hundred to two thousand dollars were proposed. The address of the President, Rusk, was the most notable speech on the subject.

"As I view it," he said,

we are now engaged in the most important branch of our labors; one which involves to a great extent the present prosperity and the future weal or woe of the people of Texas. I feel no very considerable interest in the arrangement relating to the other officers in the various departments of the government. They will be under the control of the people; and if we adopt some erroneous plan in relation to them, they may easily be rectified. But if we make one false step here, we are gone forever. . . . If we have an intelligent, honest, and correct judiciary, our position is safe. If, on the contrary, we have one which is swayed about by popular clamors, all will be confusion and anarchy. . . . To be a good judge, a man must be a good lawyer. . . . If he is a man of practical talents and integrity, he will have a lucrative employment. . . . If then we do not offer a good salary, we will drive such men from these offices, and will fill them with men who are not guided by the great principles of justice. The sum of fifteen hundred dollars would not purchase a sufficiently extensive library for any man to be prepared for the investigation and determination of the important questions that would come before him. If we do not pay more than this, I shall look upon our judiciary as gone.³⁴

As a majority of the convention thought that fifteen hundred dollars was too small a salary, and that twenty-five hundred was more than Texas could afford to pay at that time, the matter was settled by a compromise voting that the judges of the supreme court should receive a salary of not less than two thousand dollars an-

³³*Journal of the Convention*, 261.

³⁴*Debates of the Convention*, 289-290.

nually, that the judges of the district courts should receive seventeen hundred and fifty dollars annually, and that the salaries should not be increased or decreased during the continuance of an incumbent in office.³⁵ The convention further provided that the judges of both the supreme court and of the district courts should be "removed by the governor, on the address of two-thirds of each House of the Legislature, for wilful neglect of duty or for other reasonable causes, which should not be sufficient ground for impeachment."³⁶

The next part of the report of the Committee on the Judiciary considered was that pertaining to the number of courts that should be created and the jurisdiction of the supreme court and district courts. After deliberating for some time, the convention decided that the judicial power should be vested in a supreme court, in district courts, and in such inferior courts as the legislature might create, that the supreme court should have appellate jurisdiction only, and that the district courts should have original jurisdiction in all criminal cases, of all suits in behalf of the state, of all divorce cases, and of all suits when the matter in controversy was more than one hundred dollars exclusive of interest.³⁷

The extension of trial by jury in cases of equity was debated at length. Although some of the delegates regarded it as an innovation that would threaten the independence of the judiciary, it was adopted as an additional section.³⁸

The Judiciary committee had recommended that "the Judicial power of the State shall be vested in one Supreme Court, in a District Court, and in such inferior Courts as the Legislature may, from time to time, establish."³⁹ J. M. Lewis of Montgomery county said that since it had been considered good policy in several states to establish chancery courts and separate criminal courts, he thought that the legislature should be empowered to establish them "whenever the situation of the country made it right and proper." Accordingly, he moved to strike out "inferior" and insert "others." President Rusk said that he would vote against this amendment:

³⁵*Debates of the Convention*, 292-300.

³⁶*Debates of the Convention*, 300.

³⁷*Journal of the Convention*, 349; *Debates of the Convention*, 486-493.

³⁸*Debates of the Convention*, 267-275.

³⁹*Debates of the Convention*, 32; *Journal of the Convention*, 47.

For, in the first place, he did not conceive there was any necessity of a separate chancery court. By the practice now, you can obtain in the district courts everything you could obtain in chancery. It is a less expensive system to suitors and less difficult in practice. . . . Again: it is established that the state government must be erected upon an economical basis. If you give the Legislature the power to create additional officers, they will invariably establish them.⁴⁰

To this Lewis replied:

I apprehend no danger, and it is to be presumed, that the Legislature would never exercise this power unnecessarily, or to the detriment of the country, as it would consist of representatives of the people whose wishes and interests, it might be fairly presumed, would be known to them.⁴¹

At this point James Davis advanced the argument that chancery courts had been established in Alabama, and that they had not been a success, as they had tended to "multiply the offices of the state, with little benefit to society." Those favoring the establishment of chancery courts tried to establish the fact that it was "exceedingly inconvenient and detrimental to the interests of the people concerned" to have the "same sort of jurisdiction in law and chancery." However, the friends of the system of administering justice in the same court, according to the principles of both law and equity, as the case might demand, won their point when the committee refused to strike out "inferior" and insert "others."⁴²

c. The Legislative Department

One of the most difficult questions that the convention considered was that of the basis of representation for the state legislature. These three plans were proposed: (1) representation in proportion to population; (2) representation in proportion to qualified electors; (3) representation based on the federal ratio, counting all free population plus three-fifths of the slaves. W. B. Ochiltree said that this disagreement over representation was due to the geographical position of Texas.

She has a northern section where her servile institutions cannot

⁴⁰*Debates of the Convention*, 254.

⁴¹*Debates of the Convention*, 254.

⁴²*Debates of the Convention*, 254-257.

be sustained; where manufacturing establishments will be raised and a large number of women and children be congregated, and in some instances there may be a hundred and fifty women and children to one man. When these manufacturing interests get a foothold in our country, you cannot estimate their alarming tendency in relation to our slave institutions. Upon the coast we have a body of rich and luxuriant lands, necessarily to be cultivated by slave labor. Here the proportion of electors is certainly great, for the counties will consist mostly of large plantations, each having its overseer without a family. . . . In the Northwest and West we have a country that will chiefly be occupied by graziers and small farmers.

Then on the extended frontier, exposed at all times to the incursions of Indians and perhaps hostile Mexicans, the proportion of qualified electors was, also, great compared with the population, while in those parts that enjoyed peace and quiet, the number of women and children preponderated.⁴³

On July 7, President Rusk had appointed a committee of eleven members on the Legislative Department, and on July 11, H. G. Runnels, chairman of the committee made a report, three sections of which caused much debate:

Sec. 4. The legislative powers shall be vested in two distinct branches, the one to be styled the Senate and the other the House of Representatives. . . .

Sec. 9. The whole number of Senators shall, at the several periods of making the enumeration, be fixed by the General Assembly; and apportioned among the several districts, to be established by law, according to the number of qualified electors, and shall never be more than one-third nor less than one-fourth of the whole number of representatives.

Sec. 30. The General Assembly shall, at its first meeting . . . cause an enumeration to be made of the free white inhabitants (Indians not taxed, Africans and the descendants of Africans excepted), of the state, designating particularly the number of qualified electors, and the whole number of representatives shall, at the periods of making the enumerations, be fixed by the General Assembly and apportioned among the counties, towns, or cities entitled to separate representation according to the number of qualified electors. . . .⁴⁴

A motion was made to strike out the terms "white" and "not taxed." As Mississippi had recently passed a law permitting In-

⁴³*Debates of the Convention*, 245-246.

⁴⁴*Journal of the Convention*, 55-58.

dians who were taxed to vote, the committee had considered a similar provision because there were many Indians living in Texas who were "intelligent men and good citizens." However, at Rusk's suggestion the motion to strike out "not taxed" was withdrawn, for the term was used in the United States constitution, and he desired to avoid "all conflicting jurisdiction."

The delegates from the west wished to strike out "white," as they believed the committee intended by that to exclude the Mexicans. H. L. Kinney said that this would be injurious to those people, to ourselves, and to the "magnanimous character which the Americans have ever possessed." Besides, it would greatly decrease their representation. There were objections raised to giving the Mexican Indians an equality of "rights and privileges" with the European races, but Runnels said that by no "inference or construction" could the Mexicans be excluded, if, as by the courts of the United States, all except Africans and their descendants were considered white. Nevertheless, a majority of the convention thought that, if the word was retained, the right of many citizens would be abridged by the construction of arbitrary election judges, so it was struck out.⁴⁵

On July 23, when the convention resolved itself into a committee of the whole for further consideration of the basis of representation, J. M. Lewis of Montgomery county proposed to amend section thirty by striking out "according to the qualified electors" and inserting "free white population" or "free population," for otherwise the counties on the western frontier and those containing the cities and the large plantations "would have a much larger representation than the rest of the state." In offering this amendment, he said:

. . . In the city of Galveston, according to the general population, there is certainly a greater number of electors than in any of the counties, and in some of the planting counties the proportion of the electors to the general population will be much greater than in some of the rest of the counties; for there, as in the cities, you find an unsettled population, a great number of persons without families. In the cities there is a large number of clerks and adventurers, also without families. If then you make electors the basis of representation, you will be unjust to this large population. . . . In planting counties the propor-

⁴⁵*Journal of the Convention*, 156-159.

tion of electors is certainly great. For instance, take the counties like Brazoria and Matagorda; they will consist of large plantations each having its overseer without a family. Then a county with a small population, but voting some three or four hundred strong, will have as great a representation upon this principle as a county numbering six or eight thousand souls, and voting also three or four hundred. . . .⁴⁶

The amendment was opposed on various grounds. It was argued that a mere representation of persons was not the basis required, but that property, as well as population, should be considered. James Love of Galveston said that the convention would "violate every principle of a republican government" if it adopted the amendment, for "taxation and representation must be equal. This basis will exclude the large planting portion of the country, which are and will continue to be the largest tax paying portions of the state, from their due weight in representation, and will increase that of those paying less tax." F. J. Moore insisted that within fifteen years slavery would be abolished by popular vote if it was not protected by "some checks or balances," for the state was so divided as to "confine the slave population to one part of it, and the free population to another."⁴⁷

However, those supporting the amendment were just as persistent in demanding "free population" as the proper basis, since they considered "it a fundamental principle that government is founded for the protection and benefit of the whole." Isaac Van Zandt said that he would support the amendment even though it should take away "weight from one portion of the country and give it to another," for he "believed that free white population is the only proper basis."⁴⁸ As President Rusk saw that sectional feeling had become very strong, he suggested that the whole matter be referred to a special committee to devise a compromise. Thereupon, on motion of J. S. Mayfield, all parts of the report relating to the apportionment of representation and to taking the census were referred to the special committee.⁴⁹

This committee considered three propositions as a basis for representation: free population, qualified electors, and the federal

⁴⁶*Debates of the Texas Convention*, 201-205.

⁴⁷*Debates of the Convention*, 202-217.

⁴⁸*Debates of the Convention*, 214-217.

⁴⁹*Journal of the Convention*, 104-106.

basis. After deliberating for more than three weeks, the majority of the committee instructed J. S. Mayfield, its chairman, to make the following recommendations: (1) that the legislature should at its first session, provide for taking the enumeration of the free population of the state, and that the representation in the House should be governed thereby; and (2) that the Senate should consist of not less than nineteen nor more than thirty-three members to be apportioned by the legislature according to the number of qualified electors. In other words, representation in the House should be based on free population and that of the Senate on qualified voters.⁵⁰

When the convention took up the question of representation in the Senate, August 13, Mayfield said that the special committee had recommended qualified electors as the basis in the Senate and free population in the House, as the same struggle that had been carried on in the convention was renewed in the committee, the one side contending for free population, the other for qualified electors. However, as a majority of the committee desired to secure some provision whereby slavery, "the most important institution of the land," should be protected, a proposition to base representation in the Senate upon qualified electors and in the House upon free population was adopted by a large majority.⁵¹

The separate basis for the apportionment of representatives and senators caused much debate. A number of the delegates declared that they did not approve of "any compromise, if any had been made," as they could not perceive "any good which could result from this." Those who advocated "free population" developed a more united and determined opposition, while those who favored the "federal basis" seemed unyielding, but they were in the minority. For some time the convention debated the merits and faults of this proposal. One faction pointed out the unfairness of not giving to the sections paying most of the taxes more representation than to those contributing but little. The other side stood firmly for free population, as they considered it the only "just and equitable" basis. The discussion involved a repetition of the arguments previously employed, until Runnels introduced

⁵⁰*Journal of the Convention*, 221.

⁵¹*Debates of the Convention*, 531-533.

the argument that a protection of slavery would operate alike beneficially upon every county in the state "for," said he,

if we had a strong guarantee, even stronger than this for which I contend, by means of representation in the Senate, I believe that it would induce immigration of that species of property, and thus add greatly to the wealth and prosperity of the country. But, sir, strip this Convention of such protection, and you leave no inducement to such immigration. Many of the slave-holding states have public domain yet unoccupied and uncultivated, and emigrants will remain there on account of the great security of their property. The immigration of that species of property will not only develop the resources of the country, but will enhance the value of the lands. I have no special interests in advocating this doctrine, but I believe that the proposed basis will protect the interests of the state at large.⁵²

This address seemed to have a conciliatory effect, and, as his opponents did not produce any arguments to counteract his influence, a spirit of compromise was soon discernible. As soon as the advocates of qualified electors deemed it advisable, a vote was taken upon the adoption of that part of the report submitted by the special committee, and it was accepted by a vote of forty-four to fourteen.⁵³

The basis of representation in the Senate having been thus agreed upon, the remaining part of the report, which involved the basis for the House, was now considered. G. M. Brown of Colorado county moved to strike out the words "free population" wherever they occurred in the report as submitted by the special committee, and to insert "qualified electors." However, as a majority of the delegates believed that the recommendation made by the committee was the best compromise that could be obtained, Brown's motion was rejected by a vote of forty-one to thirteen. After a short debate, therefore, the proposition that representation in the house should be based upon free population was adopted by an almost unanimous vote.⁵⁴

The other provisions pertaining to the Legislative Department were (1) that all revenue bills should originate in the House, but in the enactment of all other laws the Senate and House should

⁵²*Debates of the Convention*, 534.

⁵³*Debates of the Convention*, 538.

⁵⁴*Debates of the Convention*, 540-543.

have concurrent authority; (2) that the legislature should provide for an enumeration of the free inhabitants and the qualified voters in 1846, 1848, and 1850, and every eight years thereafter, and that the number of representatives should be fixed at the several periods of enumerations; (3) that the Senators should be chosen by the qualified electors for a period of four years, and that the representatives should be chosen in the same way for a period of two years; and (4) that members of each house should receive a compensation of three dollars for every day of attendance.⁵⁵

As the location of the seat of government was very closely associated with that of representation, this was now considered by the convention. After a short discussion Austin was designated as the capital until 1850. At that time an election was to be held, and the city receiving the majority of votes cast should be the capital until 1870, unless the state should be divided previous to that date.⁵⁶

3. Additional Problems Considered

In addition to framing the government, the convention considered various propositions. Of these, that pertaining to the land claims was the most intricate. Lengthy debates were engaged in upon the propriety of inquiring into the forfeitures of land under the laws of the republic. The constitution of 1836 had taken positive grounds in repudiating some of these claims, and it was concluded simply to reaffirm the law as it stood before the convention assembled.

The proposition made by A. S. Cunningham that all persons who left the country for the "purpose of evading a participation in the revolution of 1836, or who refused to participate in it, or who aided or assisted the Mexican enemy" should forfeit all rights of citizenship and such lands as they held, provoked much angry discussion. H. L. Kinney considered this very unjust since it would deprive many loyal Texans of their homes. Furthermore, he believed that the insertion of such a clause in the constitution would keep the United States Congress from approving it, as it would cause so much trouble with Mexico and the people of the

⁵⁵*Journal of the Convention*, 341-346.

⁵⁶*Journal of the Convention*, 340; *Debates of the Convention*, 559-564.

West in settling the dispute over the land situated between the Nueces and the Rio Grande. It was finally agreed, therefore, that all property should remain in precisely the same situation as under the Republic.

An effort was made to suspend all colonization contracts made by the president of the republic. It was contended that these contracts were illegal from the first, since the government had no right to grant lands for colonization purposes while outstanding were large numbers of headright claims, donation warrants and land scrip, the holders of which had an implied right of first choice of location, but had been prevented from making such location by the unprotected condition of the frontier. However, as it was feared that the inclusion of such a provision in the constitution might jeopardize the approval of the constitution by the United States congress, it was provided that a separate ordinance ordering the forfeiture of these contracts should be submitted to a vote of the people at the same time as the constitution. According to this provision, President Jones submitted the ordinance to the people, who on October 13, adopted it by a large majority.

The measures adopted for the protection of the family deserve mention. In addition to exempting from taxation two hundred dollars worth of household goods, it was provided that two hundred acres of land or town lots to the value of two thousand dollars should be free from forced sale, and that the husband could not sell the same without the consent of the wife. This was a retention of the homestead law passed in 1838. The recognition of property rights of married women was very liberal, since it was provided that all property, both real and personal, of the wife before marriage and that acquired afterwards should be her own personal property.⁵⁷

There was great diversity of opinion concerning the recommendation made by the committee on general provisions that "no corporate body shall, hereafter, be created, renewed, or extended with banking privileges."⁵⁸ However, following the course recently pursued by the Democrats in the United States, the creation of banks was prohibited.⁵⁹

⁵⁷*Debates of the Convention*, 395-420, 694-699.

⁵⁸*Debates of the Convention*, 278.

⁵⁹*Debates of the Convention*, 452.

The committee made this recommendation concerning taxation:

Taxation shall be equal and uniform throughout the State. All property on which taxes may be levied in this state shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property shall be taxed higher than another species of property of equal value, on which taxes shall be levied. The Legislature shall have the power to lay an income tax and to tax all persons pursuing any occupation, trade, or profession.⁶⁰

A. S. Lipscomb moved to strike out "on which taxes may be levied" and "occupation." In support of this motion he said:

The object of taxation is to support the protection given to property; and one species of property should be protected to the same extent as another. . . . I object to the section as reported by the committee. Will it not leave it to the Legislature to drop from taxation the property that it may think proper? This will give rise to jealousies, as one species of interest will be fostered in one part of the country, and another in another, according to climate, soil, and other circumstances. . . . To the concluding part of this section, I object for this reason. I do not believe that the planter, after he has paid a tax on his property, should be taxed for the occupation that he pursues. The planter's is an occupation as much as anything else.⁶¹

As it was provided that the word occupation should not be construed to embrace farming or any mechanical trades, the latter part of the amendment was withdrawn.⁶² It was further provided that only by a vote of two-thirds of both houses could property be exempt from taxation. With these two exceptions, the section was adopted as recommended by the committee.⁶³

Since a general diffusion of knowledge was considered "essential to the preservation of the rights and liberties of the people," the legislature was directed as early as practicable to establish free schools throughout the state and to furnish means for their support by taxation. It was, also, provided that one-tenth of all the revenue of the state derived from taxation should be set aside as a perpetual school fund, and that this fund should not be used for any other purpose. Public lands heretofore granted

⁶⁰*Debates of the Convention*, 278.

⁶¹*Debates of the Convention*, 428.

⁶²*Debates of the Convention*, 429.

⁶³*Journal of the Convention*, 358.

or to be hereafter granted for public school purposes should not be sold for a period of at least twenty years. However, they should be leased in such a manner as the legislature should direct, and the fund thus created should be used for the benefit of the common free schools. Furthermore, every new county created should receive a quantity of school land equal to that granted to counties then in existence.⁶⁴

The committee on general provisions recommended that any amendment that should be accepted by a majority of two-thirds of both houses and a majority of the qualified electors should become a part of the constitution.⁶⁵

However, in order to give greater stability to the constitution, A. C. Horton offered as a substitute for this recommendation that the legislature by a majority vote of two-thirds should propose the amendments, that they should be ratified by a majority of the people, and that they should be adopted by both houses, before they should become a part of the constitution. After a short discussion this substitute was accepted by a majority vote of twenty-six.⁶⁶

4. The Attempt to Establish a Provisional Government

The dissatisfaction with the existing government, so prevalent at the time, showed itself in the convention, as President Jones's friendliness toward annexation was regarded with suspicion. Therefore, several of the most prominent members of the convention, including such men as the President, Rusk, J. L. Hogg, and A. C. Horton deemed it advisable, when they first assembled, to establish a provisional government.⁶⁷ As the President had not anticipated that the anti-party men would attempt to overthrow his administration, and as congress was in session, he remained at Washington. The opposition, however, was much stronger than he anticipated, so W. B. Ochiltree, former secretary of state, addressed to President Jones the following letter:

I think that by all means you should come to Austin *with the*

⁶⁴*Journal of the Convention*, 360-1.

⁶⁵*Debates of the Convention*, 279.

⁶⁶*Debates of the Convention*, 279.

⁶⁷Lubbock, *Six Decades in Texas*, 174.

Government at the earliest possible date. This convention is mighty to do mischief. My opinion is that your enemies are actively, busily at work to undermine you. Matters that every principle of precedent and propriety require should be carried on through the existing government are being arranged by the Convention. The reason given is that your excellency has called them to the seat of Government and that you are absent—that the Archives of the State Department are at Washington. A letter dated June 30, by Mr. Donelson, to the Secretary of State, has been furnished by him to the Convention directly. This affords room for animadversion. The western members are silent; objections come from other parts of the country.⁶⁸

A little later James L. Farquar, a member of the convention, wrote him:

. . . I arrived at this place on the 23d instant, and I find considerable excitement among the members of the Convention. . . . I am certain of one thing; that is, if you do not come, we will get into confusion. . . . You know your duty, and I believe that it will be performed; but I write to inform you of the excitement prevailing. Many of your old friends wish you to come up.⁶⁹

As the President did not yield to Farquar's entreaty, Van Irion addressed him, saying:

I believe it is the intention of some members of the convention to make an attempt to destroy and abolish the existing government and to establish in its stead *one* of a provisional character. To my surprise and astonishment, I find that some of the most distinguished and able members of this body are inclined to favor the measure. . . . Nothing definite as yet has been done. . . . They have been awaiting your expected arrival to begin operations, although whether you come or not, the attempt will be made.⁷⁰

Despite the many entreaties of his friends, President Jones, however, refused to "visit" Austin, as he desired to show his enemies that he "was not to be frightened."⁷¹ Therefore, Ochiltree wrote him again:

⁶⁸Ochiltree to Jones, July 8, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 477.

⁶⁹Farquar to Jones, July 25, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 479.

⁷⁰Van Irion to Jones, July 29, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 480-481.

⁷¹Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 481.

The Convention is rapidly drawing to a close, and I find the opinion gaining ground that on the passage of the Constitution by the Convention it will operate as a *supersedes* of the present government. . . . If you were now here, your presence would do much to allay the feeling which a few persons are most industriously endeavoring to get up. I find many men busy in that behalf, from whom I little expected such a course.⁷²

Upon the receipt of this letter, the President, the Secretary of State, and the Treasurer "hastened to Austin."⁷³

In a letter to Hamilton Stuart, the editor of the *Civilian and Gazette* (Galveston), Jones said:

I received information from the most reliable and authentic sources that the emissaries and factionists were at work in favor of abolishing the existing government and establishing a provisional one in its place. . . . This I knew would throw everything into confusion, and would defeat annexation altogether. I felt strong conviction that anarchy and civil war would necessarily ensue (for the people had conferred no such powers on the Convention), and that in such a situation we could neither prepare for admission into the Union or be admitted if we were prepared, for the opponents of annexation in the United States would, under such circumstances, have been able to defeat it. This, all true friends of annexation saw and believed. So . . . I hastened with some of my cabinet to Austin.⁷⁴

Upon the President's arrival, R. Bache, a member of the Committee on the State and Nation, introduced a resolution providing that a committee should be "appointed to wait upon the President of the Republic of Texas, to consult with him concerning the transfer of the government by the Convention, from an independent Republic, to a Republican State Government."⁷⁵

However, F. Moore moved to lay the resolution upon the table, saying:

I know the object in view is to establish a provisional government to supplant the present. . . . I believe that every move of policy should induce the people to retain the present form of government and the nationality of Texas until that period when we shall have the final assurance of merging our nationality in

⁷²Ochiltree to Jones, August 6, 1845. Jones, *Memoranda and Official Correspondence of the Republic of Texas*, 483.

⁷³Jones, *Letters Relating to the History of Annexation*, 16; *Texas National Register* (Washington), August 14, 1845.

⁷⁴Jones, *Letters Relating to the History of Annexation*, 16-17.

⁷⁵*Journal of the Convention*, 247.

the great union of North America. If we rashly and indiscreetly part with our existence as a nation, we place ourselves in the dependent position of a territory; we throw off the treaty making power, and cut off all our treaties now established with the nations of the earth, placing ourselves at the beck and call and under the control of our enemies in the United States. . . . If we take this step, our revenue will be cut off; our nation instead of commanding the respect of other nations will merely excite their pity. If our enemies in the United States succeed, and two or three have been elected adverse to us, perhaps one vote will defeat us in the Senate, . . . and we shall then have to depend upon the treaty making power. If we retain our government and President, we can then immediately form a new treaty. And there is no question but that public opinion in a year or two more will be so overwhelmingly in favor of sustaining Mr. Polk, as to carry even a treaty through the Senate.⁷⁶

As there was no further discussion, the question was referred to the Committee on the State and Nation for consideration. On August 18, this committee submitted an ordinance providing for the abolition of the existing government and the establishment "in lieu thereof, of a government of the State of Texas, as a separate and independent state of the American confederacy" until "accepted as a state in the American Union." In order to prevent "inconvenience or embarrassment" by this change of government, preparatory to the incorporation of Texas as a state in the American Union, the ordinance provided: that all officers under the existing government, except the President, Vice-President, the President's cabinet, the foreign ministers, *chargés* and foreign agents, should remain in office until superseded by duly elected state officers.⁷⁷

However, this effort to supersede the existing government by the establishment of a provisional government met with a most signal defeat, as many of the most ardent annexationists believed that its inevitable effect would be to destroy annexation perhaps forever. The motion made by Wm. L. Cazneau, August 23, for a consideration of the report as made by the committee was defeated by a vote of twenty-nine to sixteen.⁷⁸ Despite the fact that such a large majority of the convention had voted against a con-

⁷⁶*Journal of the Convention*, 585.

⁷⁷*Journal of the Convention*, 265-269; *Debates of the Convention*, 651-655.

⁷⁸*Journal of the Convention*, 299.

sideration of the ordinance, President Rusk, D. Gage, J. S. Mayfield, J. L. Hogg, and A. C. Horton continued their opposition to the Jones government throughout the convention, as there were several important steps yet to be taken before annexation would be complete. This opposition was so strong that President Jones said, "From this time I had no further material control over the question of annexation, and my duties in connection with it became merely ministerial."⁹

The *Telegraph and Texas Register* of August 28 said:

With the Convention Maj. D. [Donelson] had and could have no official intercourse, though as an individual, he communicated frankly with the leading members of that body in regard to such points as were likely to interpose difficulties in the way of the passage of that instrument by the United States Congress. He considered it highly important that every movement on the part of Texas should be made in an orderly and regular manner, and deprecated any movement likely to produce excitement or confusion in this country. For this reason he discouraged any attempt on the part of the convention to abolish the existing government before the acceptance of the new constitution on the part of the U. S.

As the effort to establish a provisional government had been defeated and as the convention desired that no inconvenience should arise in the change from a national government to a state government, it was provided: (1) That the President should submit the constitution and annexation to the people; (2) that the returns of the election should be canvassed on the second Monday in November; (3) that the President of Texas should forward to the President of the United States duplicate copies of the constitution, if it should be adopted; (4) that the constitution, if adopted, should go into effect after the organization of the state government; (5) that the President should order an election on the third Monday in December to elect a governor, lieutenant-governor, and members of the legislature; (6) that the President should convene Congress at an early date; and (7) that the President should deliver to the governor, after his inauguration, "all records, public money, documents, archives, and public property of every description whatsoever under the control of the Executive

⁹Jones, *Letters Relating to the Annexation of Texas*, 17.

branch of government, and that the governor shall dispose of the same in such a matter as the Legislature may direct."⁸⁰

The provisions for the establishment of the state government practically completed the work of the convention, so the special committee appointed by the President to "supervise and make grammatical and other corrections in the different parts of the constitution," on August 25, reported corrections in the sections of general provisions, education, and impeachment. After these corrections were made, a committee was appointed to superintend the enrollment of the constitution. As this committee found no mistakes in the various provisions, as they were enrolled, the convention unanimously adopted the constitution.⁸¹ Thereupon, President Rusk addressed the convention, saying:

The important duties we were called upon to perform, on the part of the people of Texas, are discharged, and I trust in a manner which will be satisfactory to the people of Texas, satisfactory to the Congress and to the people of the United States, and satisfactory to the friends of the republican government throughout the civilized world.

I trust that each member of this convention will do all in his power to make this constitution as acceptable to the people as possible, in order that it may appear to the government of the United States that we go into the Union in the proper manner, and that the vile slander hurled against us by our enemies, that we are a band of disorganizers, is false and foul.

I trust, too, that when this constitution shall go into operation, the angry passions attendant upon political dissensions will be hushed, that all sectional feelings and jealousies and the strife of personal ambition will cease, and that for many years to come it will continue the organic law of a people united as a band of brothers, animated by the feelings of the human heart, and prompted in action by that pure and lively patriotism which has characterized Texas thus far.

Immediately after this address the convention, after a session of fifty-six days, adjourned *sine die*.⁸²

Just a few days after the convention adjourned, Rusk forwarded to Calhoun copies of a series of resolutions passed by the convention in approbation of the course pursued by the late President

⁸⁰*Journal of the Convention*, 304-306; 322-327.

⁸¹*Debates of the Convention*, 757.

⁸²*Debates of the Convention*, 758-759.

and his administration relative to annexation. In reply to Rusk's letter accompanying these resolutions Calhoun said:

I accept this highly honorable approval of the distinguished body over which you presided, of the part I performed towards the consummation of this great measure, with sincere pleasure and gratitude.

Taken altogether it is one of the most remarkable events in our history; and I am proud to have my name associated with it. One of the most striking circumstances is the unanimity and enthusiasm with which the people of Texas returned into our great and glorious Union, in spite of every obstacle thrown in their way, and every seduction presented to influence their decision. It speaks a volume in favor of their intelligence and patriotism; and is at the same time, the highest eulogy ever pronounced in favor of our free and popular institution; and will be felt to be so throughout the civilized world.²³

5. The Establishment of a State Government

The terms of annexation proposed by the United States laid down the broad provisions that the constitution should provide a republican form of government, that it should be acceptable to the people of the United States, and that it should be ratified by the people of Texas. In framing the constitution the delegates had kept the first two requirements constantly in mind, and many doubtful questions were discarded to avoid opposition in the United States Congress. Therefore, President Jones, immediately after the adjournment of the convention, took action to meet the last provision. Accordingly, on August 28 he issued a proclamation "requiring and directing" the chief justices and the associate justices in the absence of the chief justices, to hold an election in their respective counties on October 13, for the purpose of "taking the sense of the people of Texas in regard to the adoption or rejection of the said constitution, also for the purpose of taking their opinions for and against annexation, the election to be conducted, the votes taken, and returns made in conformity with the existing laws regulating elections. . . . The votes of the electors were also then and there to be taken upon the rejection or adoption of

²³Calhoun to Rusk, September 20, 1845. *Niles' National Register*, LXIX, 100.

the ordinance adopted by the convention in relation to the colonization contracts."⁸⁴

There was, however, much indifference manifested by all classes toward the election. *The Houston Telegraph* of October 22 said that not more than one-half of the electors in the city of Galveston voted.⁸⁵ There was much complaint from those opposing annexation as the convention had provided that the voting should be *viva voce*. Elliot in a letter to Aberdeen said that President Jones informed him, January 18, 1846, that the vote cast was about six thousand, which was not half as many as in the presidential election of 1844.⁸⁶ Many, however, refrained from voting, as they considered the result certain.

Although no information, official or otherwise, had been given out as to the exact number of votes cast, President Jones, November 10, announced that the state constitution and the American proposal for annexation had been accepted by "a majority of the popular vote," and that an election should be held, December 15, for the purpose of selecting a governor, lieutenant governor, and members of the state legislature.⁸⁷

The following is an excerpt from the *Texas National Register* concerning the election of the members of the legislature:

The people should be exceedingly careful to make judicious selections in choosing their representatives to the first legislature. The trust to be confided in them is of great moment. The duties of the legislators will be complete and arduous in execution. Our laws will have to be modified to suit the change of government. The payment of our debts must be provided for. Our domain must be made available to meet the demands of our creditors. Every department will have to be organized, and the proper performance of that organization will in many instances depend upon legislative enactments. Another duty of paramount importance devolving upon the legislature is the election of senators to the United States Congress. . . . Let them (the electors) call

⁸⁴*Houston Telegraph*, September 24, 1845; *Proclamation Papers of the Republic of Texas*, 1845. MS., State Library.

⁸⁵The votes cast in Galveston were: for the adoption of the constitution 304, against 83; for annexation 270, against 121; for the adoption of the colonization ordinance 289, against 65. *Houston Telegraph*, October 22, 1845.

⁸⁶Elliot to Aberdeen, January 18, 1846. Adams, *British Correspondence Concerning Texas*, 583.

⁸⁷*Texas National Register* (Austin), November 29, 1845.

upon every man who solicits their suffrage and know for whom he would cast his vote for senators. Instruct your representatives through the ballot box; designate the men of your choice and then nothing will be left to chance, nothing won or lost by electioneering and bargaining. We must select our representatives from among those whose interests are identified with the country. All who claim to be Democrats are not so. A number of them have been proselyted since the last presidential election in the United States and the consequent ascendancy of Democratic principles in this country. If the people should be so blind as to take any of these new fledged converts upon trust and place them in office, they would create division and disunion in the Democratic party.⁸⁸

Candidates for the several offices in the state government did not await the President's proclamation to make their announcement. Even before the constitutional convention had adjourned, J. P. Henderson of San Augustine county and A. C. Horton of Matagorda county had consented to be candidates for governor and lieutenant governor.⁸⁹ After these names had been before the public for some time, J. B. Miller of Washington county and N. H. Darnell of San Augustine county were nominated for governor and lieutenant governor, respectively. However, there was very little interest manifested in the campaign, even though there were two candidates for each office. Henderson defeated Miller by a majority vote of six thousand, but Darnell received a majority over Horton of only one hundred and twenty-one.⁹⁰

As the convention had "authorized and required" the President to forward by special messenger "certified copies of the Constitution" to President Polk in time for them to be received before Congress met in December, President Jones, immediately after the constitution was ratified, appointed N. H. Darnell for this mission.⁹¹ These were received in due time, so the President in his message to Congress, December 2, 1845, said:

The terms of annexation which were offered by the United States to Texas having been accepted by Texas, the public faith of both parties is solemnly pledged to the compact of their union. Nothing remains to consummate the event, but the passage of an act by congress to admit the State of Texas into the Union on

⁸⁸*Texas National Register* (Washington), November 15, 1845.

⁸⁹*Texas National Register* (Washington), November 15, 1845.

⁹⁰Lubbock, *Six Decades in Texas*, 176.

⁹¹Lubbock, *Six Decades in Texas*, 176.

equal footing with the original states. . . . Questions deeply interesting to Texas, in common with the other states; the extension of our revenue laws and the judiciary system over her people and territory, as well as matters of local interest, will claim the early attention of Congress; and, therefore, upon every principle of republican government, she ought to be represented in that body without unnecessary delay. I cannot too earnestly recommend prompt action on this important subject.⁹²

Furthermore, December 9, the President transmitted to the Senate and House of Representatives President Jones's letter communicating the duplicate copies of the constitution and the official information that the constitution had been "ratified, confirmed, and adopted by the people of Texas."⁹³ Therefore, the question of annexation was before Congress for its final action. The House referred these documents to the Committee on Territories, and on the following day Stephen A. Douglas reported this resolution:

That the State of Texas shall be one, and is hereby declared to be one, of the states of the Union on equal footing with the original states in all respects whatever.

That until the representatives in Congress shall be appointed according to an enumeration of the inhabitants of the United States, the state of Texas shall be entitled to choose two representatives.⁹⁴

Protests, petitions, and resolutions against admitting Texas poured into the House. Nevertheless, the annexationists showed a determined effort to force the measure through as quickly as possible. When a vote was ordered upon the adoption of the resolution as submitted, W. Hunt of New York asked to be excused from voting, as he had not been allowed the "least opportunity of debate or amendment on this, the greatest and most momentous question presented to any congress since the foundation of the government." Despite the efforts to prevent debate, J. Rockwall of Massachusetts succeeded in getting the floor, and moved to recommit the matter with instructions to bring in an amendment prohibiting slavery in Texas. After this a long and intricate de-

⁹²*Congressional Globe*, 29 Congress, 1 Session, 4; *Niles' National Register* (Baltimore), LXIX, 231.

⁹³*Congressional Globe*, 29 Congress, 1 Session, 37; *Niles' National Register*, LXIX, 231.

⁹⁴*Congressional Globe*, 29 Congress, 1 Session, 40; *Niles' National Register* (Baltimore), LXIX, 230.

bate followed, but all opposition proved in vain, and the resolution was adopted by a vote of one hundred and forty-one to fifty-six.⁹⁵

On December 10, the bill which had been introduced into the Senate for the admission of Texas was referred to the Committee on the Judiciary for consideration. A few days later Chester Ashley, the chairman of this committee, recommended that the House resolution should be adopted in lieu of the Senate resolution. Thereupon, Daniel Webster spoke at length against the admission of Texas, basing his argument mostly on slavery and slave representation. However, he admitted that he was "quite aware that the House resolution would be adopted, since it had passed the House by such a large majority." In reply to Webster's address, J. M. Berrien, a southern Whig opponent of annexation, said that "the pledge of this government has been given, and that it must be redeemed." J. W. Huntington of Connecticut, however, protested against the adoption of the House resolution, as he considered it both "unconstitutional and inexpedient" for Texas to be admitted with two representatives without knowing that she has sufficient population to entitle her to such representation. These protests, however, were in vain, for when a vote was taken upon the adoption of the House resolution, December 22, it carried by a majority of seventeen votes. Just seven days later President Polk signed the joint resolution, and Secretary Buchanan promptly forwarded a copy of it to President Jones,⁹⁶ who, in compliance with his instructions from the convention, issued a proclamation directing the legislature to assemble at Austin, February 16, 1846, for the purpose of organizing a state government.⁹⁷

As President Jones had ordered the capitol to be repaired and the archives and state offices to be removed from Washington to Austin in November, all was in readiness for the legislature when it assembled. The capitol building, which had been used as a church and school since February, 1842, was again occupied as a legislative hall.

⁹⁵*Congressional Globe*, 29 Congress, 1 Session, 65; *Niles' National Register* (Baltimore), LXIX, 247.

⁹⁶*Congressional Globe*, 29 Congress, 1 Session, 88-92; *Niles' National Register*, LXIX, 259-277.

⁹⁷*Proclamation Papers of the Republic of Texas*, 1844-1846, in Texas Archives, State Library.

Since the legislature spent the first two days in organizing, Governor Henderson was not inaugurated until February 19. In his address he congratulated the people upon the consummation of annexation, and expressed a desire for a spirit of "harmony and forbearance." Although he expressed a regret that so much "power and patronage" had been granted the executive, he promised to act "cautiously and impartially" in performing his official duties, and to consider only the good of the public. He closed his address with this vigorous paragraph:

We have this day fully entered the Union of the North American States. Let us give our friends, who so boldly and nobly advocated our cause, and the friends of American liberty, no reason to regret their efforts in our behalf. Henceforth the prosperity of our sister states will be our prosperity, their happiness our happiness, their quarrels will be our quarrels, and in their wars we will fully participate.⁹⁸

Governor Henderson completed the organization of the state government by appointing David G. Burnet, Secretary of State, James B. Shaw, Comptroller, T. W. Ward, Land Commissioner, W. G. Cooke, Adjutant-General, and V. E. Howard, Attorney General. Thomas J. Rusk and Sam Houston were chosen by the legislature as United States senators.⁹⁹

The Washington Union of February 19 said: "We hail the incorporation of Texas into our Union as one of the most remarkable events of the age. It was accomplished by no violence of the sword; no effusion of blood; no corruption of the people; and by no constraint upon their intentions; but in the spirit of the age, according to the present principles of government, by the free consent of the two republics. Well may President Jones have said: 'It was left for the Anglo-American inhabitants of the western continent to furnish a new mode of enlarging the bounds of empires by the more natural tendency and operation of the principles of free Government.'"

⁹⁸*Journal of the Senate*, 1 Texas Legislature, 1 Session, 1-16.

⁹⁹*Journal of the Senate*, 1 Texas Legislature, 1 Session, 24.

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JOURNAL OF LEWIS BIRDSALL HARRIS, 1836-1842¹

PERSONAL HISTORY FOR MY SONS

After my return from the west my elder brother and myself lived with our Mother Grandfather and Grandmother Birdsall and Uncle, Dr. Maurice L. Birdsall, at the old homestead midway between Waterloo and Seneca Falls, Seneca Co, on the banks of the Seneca River, a beautiful river, where we fished and swam during summer and skated during the winter. We attended a public school in a little school house near by until I was about 10 and my brother two years older. When I went to live with my uncle Dr. Lewis A. Birdsall who had recently married his cousin Mary Jane Lee, they settled in Barrington about 20 miles from Penn Yan, the[n] a wilderness. I went to school there a few weeks only. When I left there I went to live with D. D. Van Alen in Penn Yan who kept a store of general Merchandize, from him I went into the P. O. under Eben Brown, where after a little I had full charge of the office, from there I entered the Store of Parson Wheeler where I kept books, waited on customers, purchased wool etc. about this time an old merch't wishing to sell out induced my grand uncle Dr. Joshua Lee (one of the best men in the world) to buy him out for Saml B. Kendig,—who had recently married Jane Lee a cousin—and myself and we ent'd into business under the name of Kendig & Harris as large as life. I was about 17 or 18 and of course felt very much elevated at seeing my name on a big sign, but I soon found that with the extravagant notions of my partner and his inattention to business

¹Lewis Birdsall Harris was born July 1. 1816, at the home of his parents, John R. Harris and Jane Birdsall Harris, on the Seneca River near the town of Waterloo, New York. He was less than twenty years old when he landed in Texas. After serving for several years as Deputy County Clerk, he engaged in several business enterprises in the vicinity of Harrisburg and Houston, until 1849, when he, in company with his wife, Jennie Wilcox, and a few chosen friends, went overland to California. During the gold development and for some years afterward he accumulated a fortune. He made his home at first in Sacramento, but during the latter years of his life he lived at San Francisco. After the death of his first wife, he married Mrs. Amanda C. Dell, and by her had his sons—Lewis B. Harris, Jr., and Gordon Bryan Harris. He died on June 12, 1893, at San Diego, California, at the home of his son, Lewis. He was an honored member of the Society of California Pioneers of 1849, and the memorial published by this society in his honor is an honest tribute to his worth as a man and a citizen.—Adele B. Looscan.

that we could not succeed, so before the year was out I prevailed on my uncle to let me sell out, which I did and I then went to Medina, where I engaged as book-keeper with Mr. Grant, and while there began to get tidings of the troubles in Texas and about the same time came a request from my G. uncle Dr. Lee for me to Come and Settle up the business of Kendig who had failed, as I knew he would do. I had fully made up my mind to go to Texas and had so told Mr. and Mrs. Grant who tried hard to dissuade me. Mr. Grant made me very advantageous offers and Mrs. G. held out great inducements in the shape of intervention with two very pretty young girls, one her cousin and one her daughter, both very wealthy, but I had determined for Texas and took my leave and went to Penn Yan and sold off the goods to the best advantage and while doing this attended the wedding of Charles Lee who married Miss Hall. I there met Miss Hall's sisters one of whom married Leonard Jerome of N. Y. While waiting for some action in the settlement of the K. business I accepted a temporary situation in the Supreme Court Clerk's office in Geneva where I remained until I got ready to start for Texas. I was under John A. Coffin who made me a very liberal offer to continue with him, but I had become very impatient at the delay and determined to get away as soon as possible. It was already February and I went to the old homestead and arranged with a Cousin Charles Chamberlain to take me as far as he dared Venture in a sleigh. We started about the first of March, the snow was deep, in some places as high as the tops of the fences. I kept a partial journal of my journey and will extract from it.

"Tuesday March 5. [1836]. Started in the P. M. with Charles Chamberlain in a cutter took tea at Geneva. Came to Penn Yan remained all night had a pleasant talk with John L. Lewis, took breakfast at Uncle Josuah Lee's, bid them all good bye came as far as Stewkey where we saw D. D. Van Allen and Riley. then proceeded to Erwin and rem'd all night at Mr. Corbin's, after breakft came on to uncle James Birdsall in Addison Steuben Co. Saw Uncle Jim and Aunt—and one of the prettiest girls I had seen in many a day, they appeared very glad to see me and were very urgent for us to stay all night with them. They were all very pressing for me to have Sister Mary to come out there and remain with them a time and Sarah said if she was sure she would come back with her she would go after her, Sarah played several

tunes on the piano for us and we were both very much pleased, to say the least. We left Uncle James's after dinner and went as far as Mr. Kilburn's at Lawrenceville Pa, that evening (this was the first time I had left my native State since I was grown and when I crossed the line into Pa, my emotions were peculiar. I was leaving to go to a far distant and unknown land on a doubtful and dangerous mission. it would doubtless be a very long time before I ever returned if ever, leaving many whom I held most dear a brother and sister and many other relatives and friends perhaps for ever and going to strange lands infested with danger on every side). They were very hospitable and kind at Mr. Kilburns where we rem'd all night. in the morning we left and Charles L. Kilburn accompanied us and came as far as Blossburg near the Coal Mines, the prospect of the snow soon melting off prevented my friend and cousin Chas. C. from going further he and Chas. K. turned back and left me to pursue my journey alone. I bid good bye to Chas. C. with sincere regret he placed a \$100 bill in my hands for the purchase of village lots in Texas, but I knew he gave it fearing my slender purse might fail.

Saturday March 9. I arrived at Williams Port by stage about 2 P. M. I passed thro. Lawrenceville, Wellsboro, Mansfield, Covington etc. all small places the largest being Lawrenceville and Wms. Port, the only meeting houses I saw were at Lawrenceville and Wms. Port, at Mansfield we called on a Mr. Wm. Mann who wished me to write to him at Blossburg. I was joined in the Stage here by Mr. Benjamin Wood from Bath who was very kind and took quite an interest in my affairs, business compelled him to stop at the Block House, but he said he hoped to join me at Pittsburgh. From Williams Port I wrote to Aunt Eliza Van Tuyl in answer to one I rec'd from her just before leaving expressing great anxiety to see me at Batavia before I left. I passed down "Trout Run" which is hemmed in on each side by stupendous mountains and the scenery very romantic. the view was magnificent and of course would be much finer at any other season of the year. I certainly would enjoy it more in a milder climate.

At Williams port met a Mrs. Harris who asked to be introduced to me as she believed we were related. We had a very pleasant conversation altho we did [not?] discover our relationship, a Miss Hall a very pretty girl came in and we had a very enjoyable time and helped to pass away the evening.

Monday [March] 14. Left Williamsport at 9 A. M. in Company with a Mr. Wilson a very fine intelligent old gentleman who was on his way to Portsmouth Ohio. We started out in a very handsome Comfortable pleasure sleigh nicely rigged up, passed through Newberry, Jersey Shore to Bellefonte. found a very handsome country Our road lay through handsome Valleys, came up the West Branch Canal, to Lock Port and Lockhaven also passed a number of excavations for mining Iron Ore about 3 or 4 miles before entering Bellefonte. Very good bridges and tolerable barn houses rather devoid of taste both with regard to structure and architecture. I saw one situation I liked very much, large house with two wings but when we came to the further wing I found the front part hung with saddles harness etc. Some of the scenery between Williamsport and Bellefonte is beautiful, but the most beautiful is the river as it winds its way down the Valley the banks frequently very high and abrupt and looking as tho' the river (the West Branch of the Susquehannah) had cut its way through the level valley leaving some very handsome islands of 300 or 400 acres. Below Lockport is a dam making a fall of from 6 to 8 feet which is unimproved and presents great advantages for Manufacturing and Milling. The bridges, Locks and aqueducts on this Canal are certainly far superior to those on the Erie in point of workmanship and material. The aqueducts and Locks are of squared stone dressed very handsomely. I pass'd many tributaries to the Branch—Bellefonte is a small town consisting of one tolerably good street running within 15 degrees of N and S one st. running from the main st. nearly west about the same size the balance are principally small in no order, buildings are mostly of stone, little taste, two large brick blocks painted red and pencilled—look very well; it is 52 miles from Williamsport.

Tuesday [March] 15th. Left at 8 A. M. in a miserable old sled, wet cushions poor rigging altogether a great contrast to our last outfit and we rather disgusted passed through a very pretty Country for a short distance when it Commenced to be rough Stony and hilly abounding in Iron ore. We passed by a number of furnaces and forges also many teams hauling ore. When we got about half our days travel we exchanged our old sled for an old covered Dearborn wagon so small we could scarcely get our baggage in then I was uproarious; I wished the old Dearborn and

proprietor in —. We arrived at a place called Water Street about 7 o'clock, a small place of about a dozen houses in sight of the Juniata River and 94 miles from Williams Port and 112 miles from Pittsburgh.

We were here informed that the places had been taken in Baltimore a long time ahead in the stages and that we would probably not get a chance to go on for 3 or 4 days.

Wednesday [March] 16th Waited all day very impatiently but the stages all full, amused myself listening to the conversation of the frequenters of the tavern, some party men were discussing the late appointments it appears that some Ritner men assisted during the last election with a view of getting offices and were disappointed, a Jackson man is laughing at them. Got into the good graces of the stage driver who was going to drive tomorrow's stage from here and by bribing him—Penna a great state for bribery—he agreed if possible to take me on with him.

Thursday [March] 17th. Stage arrived and one vacant place inside Mr. Wilson took that and I got up with the new driver who had Smuggled my trunk aboard, after going a few miles the inside passengers discovered that the driver had a passenger with him which the law did not allow, and as the roads were bad they made a row. I told them I was going through if the stage did. They quieted down after a while, and when we stopped Mr. Wilson told me the reason. He said they were mostly young merchants returning to Pittsburgh and he told them that I was going to Texas to fight the Mexicans and was determined not to be detained and that he thought from what he had seen of me that it would be very unhealthy for any of them if they interfered and undertook to get me off the stage. We passed through Hollidaysburg, quite a large place about 1200 inhabitants—and a few smaller places, it was 3 o'clock when we passed the summit of the Alleghanies, it was quite warm and pleasant, from here the waters part, some flowing into the Chesapeake and some into the Gulf of Mexico, the view was quite charming. We had a pretty rough time in passing down Laurel Hill and Chesnut Ridge, the road was covered with ice, and altho the driver put log chains around the wheels—after locking them—so that the chains would cut into the ice—he would have to whip up his horses and go at a brisk

pace to keep the stage from sliding around ahead of his horses. We travelled all night.

Friday [March] 18th. Ground frozen and roads very bad, passengers all quiet tho' and disposed to be friendly, one offered to exchange places with me and let me go inside but I thanked him and declined—ice and snow disappeared during the day leaving the roads very much cut up and muddy, and we got along very slow. Passed through rather a rough and poor country until 10 or 12 Miles of Pittsburgh when the country began to get better, a beautiful view of the surrounding country when within about 8 miles of Pittsburg as the road winds around among the hills. When near the city we found the roads crowded with big teams. At last we came in sight of one dark mass of black smoke which I soon distinguished as the city by the few steeples and buildings [which] could be seen through the smoke. We put up at the Exchange a very extensive house but they don't set a very good table. Pittsburgh is a very important and enterprizing city having a large number of Iron foundries and Cotton and other factories and general business and is a point at which most passengers from the East take steamers for down the River. It is very disagreeable on account of the great quantities of bituminous coal used there. The buildings are all black from smoke as well as everything else. Went through the markets which are good. every body men women and children vieing with each other trying to sell their own. Did not have time to visit the manufactures as two boats start in the morning.

Saturday [March 19]. took passage in the steamboat Dayton bound for St. Louis. at 11 A. M. passed the Washington while wooding which after we had stopped to land a passenger came in sight again, when we had a long and exciting race. All the passengers taking as much interest as tho' they had money up, but at last she passed us; it was somewhat dangerous running at full speed as the river was full of ice. We waited a[t] Beaver 2½ hours for a pilot, when we started on again. We overtook and passed the Washington during the night, she having laid up at Wheeling.

Sunday [March 20] passed Marietta a very pretty place near

the mouth of the Muskingden river also a number of smaller places. Stopped at Maysville, Ky. a very pretty place indeed. has a very pretty market lying along the river. Saw some very pretty locations on the river above and below. some low houses built large on the ground and surrounded by evergreen trees the handsomest place I have seen since leaving N. Y. and more taste displayed. There is also a small village opposite in Ohio. Ripley, Ohio, and Augusta, Ky. both quite pretty places. So far we had pleasant weather and smooth travelling but to-day the wind commenced to blow strongly up the river and snow commenced falling. The waves raised by the wind got so high that two Steam Boats made for the Shore. The sight was beautiful as we pushed our way through the waves below and the snow above. We came in sight of Cincinnati or the suburbs about 4 o'clock. I had an excellent chance to see the city and have been all over it; it is truly a beautiful city. The streets are laid off parallel and at right angles mostly, and are in very good order generally paved and clean. I saw no very elegant buildings in the city but some very pleasant situations. The hotels are built like stores and it is difficult to find them. A great many Steam Boats were lying at the landing which slopes gently up from the water. The steamer Henry Clay was the largest steam-boat there.

Opposite Cincinnati are two very pretty villages New Port and Covington both appeared flourishing the Licking river divides them. There are some beautiful locations on both sides of the river. Shortly after leaving we saw the Genl Pike coming after us. She came booming along clothed in a robe of white steam and looked and moved "like a thing of life,["] We had another race, as we had to stop and "wood up" she passed us. We arrived in Louisville, Ky. in the morning before day. I was surprised to find so much of a city, large numbers of steam boats at the landing bound for up and down the river, in the morning it was a busy sight the street along the river front being thronged with carriages, cars, drays, men, women, negroes and whites all running hither and yon each on their own particular business, some carrying trunks and parcels others loading and unloading freight some peddling and all presenting a busy scene. The wharf was lined with Steam Boats. I took a short stroll through the place saw no very handsome buildings, everything is rather plain and busi-

ness like and looked busier than Cincinnati but is not as pleasant to the eye, everything is dearer here than at Cincinnati. I was sorry I did not have time to visit the locks as I was told they were very fine pieces of work. We left at 9 o'clock on the Steamer Baltic a large boat having 8 boilers—the Dayton which we left had only 2. We passed over the falls, it was quite exciting altho' if one did not know the danger one would hardly notice the difference as it was high water, the waters appeared to come together in a ridge in the center of the stream, but I could see by the anxiety of the Captain and Pilots and the perfect stillness that the least miss movement would be dangerous. We stopped at various places taking in tobacco etc. passed some handsome plantations most of them liable to overflow. passed mouth of Wabash river and Island, Shawneetown. Just as we came in sight of Columbus a fire broke out on the hurricane deck. I happened to be there. (I was always on the highest places where I could get a good view) the fire broke out under a coop of fowls another man and myself endeavored to turn the coop over but could not the fire rushed up 6 or 8 feet high and not knowing where it had originated there was great excitement. I gave the first alarm and remained working on deck until they got up the hands with a line of buckets when I went below and got my trunks where I could get hold of them handily and then went back again, the fire was soon got under control, but such a hubbub as there was by the time I got down again I never saw before, women and men running some screaming some hauling their trunks and placing [them] on the guards ready to throw over board while others were gathering their children together. and there was reason for alarm, we were three miles from shore and if the fire had not been discovered as it was it might have proved a serious matter as the wind was blowing quite hard.

We stopped at a place to wood and I went quite a distance into Indiana, and I could hardly realize that I was walking in that State in so short a time. We soon afterwards stopped at a small place in Kentucky, McCracken Co., to take on tobacco several of us went ashore and took a hunt and tramp around for several hours. I found a gentleman on board from Louisville, Ky. he had about a dozen slaves that he was taking to his father in Tennessee and from there he said he was going to Texas and would

try and join me and we would go together. This would be pleasant, as I sometimes realize what an undertaking it is for me a mere boy entirely alone, unacquainted with what is before me.

We lay up at a small place called Paducah on Kentucky side at the mouth of the Tennessee river, remained all day taking in tobacco. Nothing very interesting to be seen. Passed the mouth of the Ohio into the grand Mississippi in the night. Saw New Madrid, where I had lived a short time when I was a child, and where the great earthquake sunk a large portion of the place and where it is said large cracks can still be seen. I saw two or three where the water was low. A small island opposite New Madrid was sunk.

Stopped at a small place on the Arkansas side and took a stroll on Arkansas soil as I make it a point to take a walk in every state we pass.

We arrived at Memphis in the night. We lay up at a store boat and I went ashore and went up on the hill but could see very little of the town. We next stopped at Vicksburg which is a lively thriving place built on the side of the hill on very rough ground. Natchez is a beautiful place built on the bluff which is very high, the road runs along the side of the bank and is built up with timbers 40 ft. it was raining and muddy and I had not time to go through the place but saw some part of it, the buildings are in good taste. Baton Rouge is in a beautiful situation, the buildings are principally small and in French Style. Fort Jackson constitutes the principal beauty of the place. it is certainly a splendid place the buildings are long and built of brick with porticos in front surrounded by trees. Saw a number of soldiers who appeared very contented. Donnelsonville a small place where we were detained all night by the fog. Came in sight of the shipping of New Orleans. The sight was truly grand, it appeared like a dry pine forest as first seen and then a bend of the river hid them from sight until another bend brought the city into full view. We arrived here March 31 [1836].

(Continued.)

BOOK REVIEWS AND NOTICES

The Colonization of North America, 1492-1783. By Herbert E. Bolton, Ph. D., Professor of American History in the University of California, and Thomas M. Marshall, Ph. D., Professor of History in Washington University. (New York: Macmillan Company. 1920. Pp. xiv, 609. \$4.25.)

The value of a text or reference book in history may be that of the point of view set forth, or that of the facts presented, or that of both point of view and facts presented. This book is to be judged as much, if not more, for the point of view, as for the facts which it contains.

Heretofore the thesis of most of the so-called American histories has been that of the Anglo-Saxon westward advance from the Atlantic seaboard. In such histories it has been the rule to give in its proper setting and with some detail the narrative of the establishment, development, and final overthrow of the French colonies in the St. Lawrence and Mississippi valleys, especially where it was purposed to make clearer the achievements of the Anglo-Saxon in his westward march. But generally there is to be noted a lack of corresponding detail with regard to the establishment, development, and delimitation of Spanish Florida—originally imperial in extent—part of which territory England secured as the spoils of war at the same time that she obtained Canada and the country lying between the Alleghanies and the Mississippi River. Happily in this book, however, the authors have given to Spanish Florida, which once boasted its northernmost mission in present Virginia, a proper and logical setting and treatment, comparable to that of French Louisiana.

Also, heretofore, practically the only references contained in American histories to the West Indies have been made in connection with the commercial and economic development and relations of the thirteen English colonies. In their book, however, Professors Bolton and Marshall have clearly brought out the international contest which was waged for the West Indies, and have shown the connection between this and the various eighteenth century struggles on the mainland. In this way they have given to the entire movement its real continental significance.

But the chief criticism of American histories as heretofore writ-

ten has been the meager and oftentimes misleading treatment of the Spanish advance from Central America and the Valley of Mexico into the Trans-Mississippi West. Surely, if for no other reason, since in 1763 the Spanish and English frontiers met at the Mississippi River, and since between that year and 1853 the Anglo-American frontier beat against and drove back to the present boundary between the United States and Mexico the Hispanic-American frontier, the narrative of how and why Spain actually occupied two-thirds of the Trans-Mississippi West deserves a treatment worthy of such an achievement. Yet too often have American historians discounted and even belittled Spain's achievements, and too frequently have they ended the story of Spanish activities in the present United States where they really began, namely, with the de Vaca, de Soto, and Coronado expeditions. But in their treatment of this subject the authors have presented an entirely new point of view. They have shown in a clear and logical way that the Spanish advance from Mexico City to the north was by three separate lines of approach; that the advance along these lines was steady and continuous and resulted in the founding before 1763 of permanent settlements in three of the present forty-eight states of the Union (New Mexico, 1598-1609; Texas, 1690-1716; and Pimeria Alta, or Arizona, 1687-1711); that the occupation of Louisiana and California after 1763 were but parts of the same general expansion movement, inspired in both instances by the haunting fear of foreign aggression; that Spain didn't stop with the founding of San Francisco and the occupation of St. Louis, but, instead, that in her theretofore steady advance to the northwest from Darien and Mexico-Tenochtitlan, Spain only made her first permanent backward step in connection with the Nootka Sound controversy (1790) and the retrocession of Louisiana (1800).

What the authors have attempted, then, has been to give a new, and, what will be seen to be, a logical perspective for general American history. This they have rightly felt could only be realized by regarding the whole of North America, including the outlying islands, as the stage for a great international drama, on which were to be exhibited in chronological order the colonization schemes and ambitions of rival European nations. This the authors make clear in certain prefatory sentences: "This book represents an attempt to bring into one account the story of

European expansion in North America down to 1783. . . . It has been prepared in response to a clear demand for a text written from the standpoint of North America as a whole. . . . When thus presented the early history of Massachusetts, of Georgia, of Arkansas, of Illinois, or of California is no longer merely local history, but is an integral part of the general story." Such being the authors' scheme, it is quite logical that the "colonies of the different nations are treated, in so far as practicable, in the chronological order of their development. . . ."

In the development of their thesis, emphasis is given to the English colonies, but the proper perspective is maintained by "giving a more adequate treatment of the colonies of nations other than the thirteen which revolted." The book is divided into three parts: (1) The Founding of the Colonies; (2) Expansion and European Conflict; (3) The Revolt of the English Colonies. In Part I, three chapters (77 pages) are given to the Hispanic background for and the establishment of the Spanish colonies; one chapter (25 pages) to the establishment of the French colonies; one chapter (14 pages) to the Dutch and Swedish colonies; and seven chapters (112 pages) to the background for and the establishment of the English colonies. In Part II, three chapters (63 pages) are devoted to the expansion of the Spanish colonies; two chapters (37 pages) to the French colonies and the final struggle of the French and the English; and five chapters (87 pages) to the development of the English colonies. Part III contains six chapters (130 pages). Thus it will be seen, by way of summary, that eighteen chapters, approximating 330 pages, are devoted to English activities in North America; six chapters, totalling 140 pages, to Spanish activities; three chapters, containing 62 pages, to French activities; and one chapter, 14 pages long, to Dutch and Swedish activities.

If the point of view is commendable for its logicity and originality, as much can be said for the array of facts presented. Not for any one chapter or even group of chapters alone can it be said that they embody the results of recent researches in their respective fields, but for all alike can this generalization be made. This is true whether for the chapters dealing with the Spanish and French activities, for which Professor Bolton was largely responsible, or for the chapters dealing with the English, Dutch, and Swedish activities, which were largely contributed by

Professor Marshall. However, it may be said that Chapter XXIII, which deals with the economic grievances of the colonists against the mother country, might have been made stronger by further use of Professor Schlesinger's monograph, *The Colonial Merchant and the American Revolution, 1763-1770*. On the other hand commendable attention is directed to Chapter XXVIII, "Governmental Development During the Revolution." This in reality is a history of the origin of executive departments, based, as may be seen, largely on primary sources. Indeed, save for matters of form, this chapter may almost be considered as monographic in character.

Were the writer so inclined he might try to enumerate the typographical and other errors of like triviality. Such, however, is not his intention. It is not, therefore, in an effort to round out this review according to the stereotyped form, but solely for the purpose of correcting only one error, which, because of the real greatness of the individual involved, should most certainly be corrected, that attention is called to page 302. There it is stated that during Father Kino's career in Pimeria Alta "he alone baptized 4000 Indians." The real number baptized, however, was 40,000. Professor Bolton never intentionally belittled the work of the great character he has helped to immortalize.

Especially commendable are the carefully selected lists of readings at the end of each chapter and the line maps, approximating fifty in number, which illustrate the text. A useful and comprehensive index completes the book. Taking into account the point of view, the facts presented, and the technical and mechanical make-up of the book, Professors Bolton and Marshall, and indeed all students of American history, are to be congratulated for their contribution.

CHARLES W. HACKETT.

The Papers of Mirabeau Buonaparte Lamar. Edited from the original papers in the Texas State Library, by Charles Adams Gulick, Jr., with the assistance of Katherine Elliott, Archivist, Texas State Library. Volume I. (Austin, A. C. Baldwin & Sons. 1921. Pp. viii, 596.)

To those who are interested in the early history of Texas, the wealth of manuscript materials in the Texas State Library and the University of Texas Library presents an especially fertile field of research. There has been a drawback, however, in the fact that most of this material was accessible only to those who were able to use it in Austin, and for this reason any effort to edit and publish individual collections of these papers is heartily welcomed. A praiseworthy beginning was made when the Diplomatic Correspondence of the Republic was published under the auspices of the Historical Manuscripts Commission of the American Historical Association, and this same commission now has the Austin Papers in press. The State of Texas has shown its interest by publishing the Secret Journals of the Senate of the Republic, and is now in the midst of financing the publication of the Lamar Papers, Volume I of which has recently appeared.

The importance of this collection to the historian of Texas and of the Southwest can hardly be over-emphasized. It consists mainly of Lamar's state papers and personal correspondence, together with documents relating to Texas and Mexican history which were collected by him to be used in writing a faithful account of the Texan struggle for independence. Needless to say, his service as attorney general, secretary of war, vice-president, and president of the Republic makes the first group infinitely more valuable than the second. His collection of materials for his history was never completed, and at best was largely second-hand information. Its fragmentary nature renders it necessary for the historian to rely, not on Lamar's copies and translations, but on the same sources which he used. From this point of view the first volume is somewhat disappointing. Slightly more than half of its contents deals with events which took place before Lamar reached Texas. It is but fair to state that many of these documents can now be found only in the Lamar Papers, and consequently are worth reproducing; but the necessity of printing his loose and sometimes inaccurate translations of documents which are now in the Nacogdoches Archives in the State Library is

questionable. Inasmuch as at least three more volumes will be required to complete the work, and since the most valuable part of the collection will fall in the later volumes, it is unfortunate that judgment must be passed on the first volume alone. As has been indicated, however, this volume contains a great store of valuable material. The first document is dated 1756; the last, December 29, 1837. Thus the book contains documentary materials covering approximately half the period of Spanish occupation of Texas, all the period of Mexican rule, and the first two years of the life of the Republic of Texas. Out of a total of 639 documents, 19 belong to the first period, and the most important of these deal with the Mexican revolution. About three hundred documents fall within the period of Mexican rule, and furnish valuable source material for the background of the Texan revolution. The remaining documents cover the revolution itself, together with the problems of organizing the government of the new republic, and since Lamar was himself a participant in these activities, the potential value of the material increases.

The editor has reproduced the documents practically without change, and has wisely followed the order and numbering of the documents as planned by Miss West in her *Calendar of the Lamar Papers*, published in 1914. Any effort to classify them according to subject matter would have involved him in serious difficulties, since they range from undergraduate essays and love letters, to presidential messages. Manuscripts falling in the first group have not been printed, but the calendar note indicating the nature of the contents has in each case been reproduced. Since the documents are arranged in chronological order, it would seem logical to close the volume with the end of a year, rather than stopping at December 29, thus leaving ten documents which belong to the year 1837 to be published in the next volume. The explanation of this situation is to be found in the fact that the state's contract with the printer called for a volume of six hundred pages, and the printing of the next document would have caused him to exceed the specifications.

These defects are of minor significance, however, when the real value of the work is considered. The publication of this collection of papers insures the permanence as well as the accessibility of a vast store of material without which an authentic history of Texas cannot be written. It is to be hoped, therefore, that a fund which

will make it possible to complete the work in the near future will soon become available.

WILLIAM C. BINKLEY.

NEWS ITEMS

The Department of Historical Research in the Carnegie Institution of Washington is collecting the material for an edition, in several volumes, of the Correspondence of Andrew Jackson, to be edited by Professor John S. Bassett of Smith College, Jackson's biographer. All persons who possess letters of General Jackson or important letters to him, or who know where there are collections of his correspondence, or even single letters, would confer a favor by writing to Dr. J. F. Jameson, director of the department named, 1140 Woodward Building, Washington, D. C.

The University of Texas has purchased the library of the late Dr. Genaro Garcia of Mexico City. While it is rich in material on all Latin America, it contains the greatest collection of Mexicana to be found in the United States, being particularly strong in history, government, law, and literature. The appraisal of the library and the negotiation of the purchase was conducted by Mr. E. W. Winkler.

The Library of the University of Texas is indebted to Mrs. R. H. Connerly of Austin for two autograph letters of Stephen F. Austin, written to Samuel M. Williams, dated May 8 and 23, 1832.

AFFAIRS OF THE ASSOCIATION

The Texas State Historical Association held its twenty-fifth annual meeting on April 21 at the University of Texas. The president, Mrs. A. B. Looscan, of Houston, presided. The program consisted of papers entitled "The First Teacher of European Music in America," by Mrs. Lota M. Spell; "The Indians and the Texas Public Lands, 1846-1859," by Professor Charles W. Ramsdell; and "The Place and Function of Museums in the World of Learning," by Professor J. E. Pearce.

In the business meeting, which followed the program, sixty-three members and eight life members were elected to the Asso-

ciation. The president presented, to be added to the collections of the Association, a copy of a letter written by Dr. Ashbel Smith, September 8, 1868; a copy of the music of the *Deguello*, the "No-quarter" march played by the Mexican buglers at the Alamo; and a collection of photographs of historic places taken by Miss Julia Beasley of Houston. The music of the *Deguello* was discovered by Mr. Samuel E. Asbury of College Station after much research. Professor J. E. Pearce was requested to investigate the condition of the Alibamu Indians in Polk County and report to the Association at its next annual meeting.

Officers of the Association elected for the next year are Mrs. A. B. Looscan, president; Mr. Lewis R. Bryan, Houston, Dr. Alex Dienst, Temple, Mr. R. C. Crane, Sweetwater, and Mr. T. F. Harwood, Gonzales, vice-presidents; Dr. Charles W. Ramsdell, corresponding secretary and treasurer; and Professor Eugene C. Barker, recording secretary and librarian.

Professor Ramsdell presented the following report of the finances of the Association for the past year.

TREASURER'S REPORT FOR THE YEAR ENDING FEBRUARY 28, 1921

Receipts

	1920-21	1919-20
Membership dues	\$1,167 95	\$1,172 35
Sale of the QUARTERLY.....	467 53	174 46
Sale of binding.....	11 25	7 50
Sale of reprints.....		62 26
Interest	344 14	258 12
Life memberships	180 00	50 00
Donations to endowment.....		650 00
Miscellaneous	21 55	25 00
By loan from bank.....	200 00	
Total receipts	\$2,392 42	\$2,399 68

Disbursements

Printing the QUARTERLY.....	\$ 917 84	\$ 827 85
Binding the QUARTERLY.....	96 25	61 25
Reprints		65 25
Clerical help	250 75	300 00
Postage	66 60	59 04
Stationery	96 00	19 50
Payment of bank loan, principal and interest	204 31	
Purchase of note.....	1,500 00	
Miscellaneous	30 65	56 00
	<hr/>	<hr/>
Total disbursements	\$3,163 15	\$1,388 89
Excess of disbursements over receipts.....	\$ 770 73	
Actual expense of the Association (after deduction of payment on notes).....	1,463 15	
Excess of receipts over actual expense of operation.....	729 27	
Bills payable on February 28, 1921.....	253 10	
	<hr/>	
Real profit for year.....	\$ 476 17	
Balance on hand, February 29, 1920—		
In Austin National Bank.....	\$1,167 72	
In American National Bank.....	105 00	
	<hr/>	
	\$1,272 72	
Receipts for the year.....	2,392 42	
	<hr/>	
	\$3,665 14	
Disbursements for the year.....	3,163 15	
	<hr/>	
Balance in bank, February 28, 1921.....	\$ 501 99	

CHAS. W. RAMSDELL,
Treasurer.

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CONDITIONS IN TEXAS AFFECTING THE COLONIZATION PROBLEM, 1795-1801¹

MATTIE AUSTIN HATCHER

Between 1763, when France made over to Spain her claim to Louisiana, and 1803, when, over the protest of the custodian, Napoleon sold it to the United States, the American frontiersmen, in their irresistible march to the westward, had pushed their advance lines to the Mississippi river.

This had come about, in spite of the exclusive policy of Spain and in the face of the warnings of the local Spanish officials of Louisiana, through the liberal policy of Carlos III and the eagerness of his minister to the United States to erect in the region a buffer against the further advance of Spain's potential enemies, the Americans. In pursuance of this policy, a great number of foreigners had been admitted—Englishmen, Irishmen, Frenchmen, Dutchmen, and even Americans who were, for the most part, mistakenly believed to be displeased with the government of the United States or at least somewhat indifferent to the claims of citizenship. By the beginning of the eighteenth century, the American settlers had demonstrated their ability to wrest the country from the Indians, to clear the forests, and to cultivate the new-made fields. The buffer desired by the Spaniards had become, in the hands of the enemy, a dangerous opening wedge. Additional Americans were pushing closely behind and the pioneers were

¹For "The Louisiana Background of the Colonization of Texas" see THE QUARTERLY for July, 1921.

again almost ready to move forward, this time just across the Sabine, to the virgin fields of Texas, now a second line of defense for the dispossessed Spaniards in Louisiana. News of the wonderful beauty and fertility of the new country had been carried back to Louisiana by adventurous traders who had often crossed into the forbidden territory; but no inkling of the liberal treatment granted foreigners in Louisiana had reached the ears of the local authorities in Texas, where the old exclusive policy was still nominally in full force, although the wave of immigration was beginning to cast over the frontier the hardest of those borne upon its crest. To understand the colonization problem in its new setting one must keep in mind Spain's inherent distrust of foreigners which had, indeed, been but reluctantly and with unhappy results abandoned in Louisiana, and remembered especially her fear of France, England, and the United States who, at this time, were all in a position seriously to threaten her commercial and territorial supremacy in Texas. Of course, the intensity of this feeling varied with the activities of her rivals both in Europe and America. For instance, as the fortunes of war in Europe inclined now toward France and now toward England, Spain, who was the helpless victim of the two contestants, frequently changed front in an effort to cast in her fortune with the winning side. In 1793, she had declared war against France, with the avowed intention of preventing the spread of revolutionary ideas, and then had granted special privileges to English vessels in return for promised aid. But, suddenly reversing her policy, she had concluded an offensive and defensive alliance with her late enemy; and the two had immediately turned their united strength against England. Therefore, in an effort to forestall possible retaliatory measures against her American possessions, Spain repeated the orders which forbade the entry of any foreigner into Texas² and placed a detachment at the frontier *pueblo* of Nacogdoches with instructions to enforce this ruling and to learn, through the friendly

²For the special application of these laws to Texas see Neve to Cabello, May 14, 1784, Porlier to Revilla Gigedo, August 10, 1790, Revilla Gigedo to Muñoz, April 17, 1792, Revilla Gigedo to Sierra Gorda, May 23, 1792, List of foreigners in Texas, May 21, 1792, Lists of foreigners at Nacogdoches, December 31, 1792 and December 31, 1794.

Indians of the region of any movements that might be planned.³ Quite naturally, she charged all Spanish officials in America to be on the alert to avoid surprise. Pedro de Nava, Commandant-General of the Interior Provinces, who, at this time, was directly responsible for the defense of Texas, determined to maintain his headquarters at Chihuahua, since, from that point, he could guard Texas as well as New Mexico, Sonora and California, which were also under his jurisdiction. Personally, he did not anticipate an attack upon Texas, believing that the province was not sufficiently rich to arouse cupidity or to promise an adequate indemnity for the expenses involved in an invasion. Nevertheless, he thought it quite possible that the enemy would seize upon Louisiana and then attempt to occupy Texas as a part of the conquered territory. As to the first part of the program, he proved a true prophet; for as soon as war was actually under way in Europe England began to lay plans for drawing away the Indians of Louisiana from their allegiance to the Spanish king. Reports, therefore, soon reached De Nava's ears that the enemy had conferred upon a certain Mr. Bowles, of Virginia, the title of Lieutenant-Colonel, with the pay of a general, and that they were furnishing him with an aide-de-camp, a Frenchman, and with an English secretary, who could speak French and Spanish. He heard, too, that Bowles intended to arm the Indians under his command, to raise rebellions among the tribes nearest to the Spanish settlements, and then to attack these tribes one after another, so that he might introduce colonists favorable to the English. Following his previous lines of reasoning, De Nava feared that after Bowles had done his work in Louisiana and the Floridas he would attack the weak settlements of Texas and lead these Indians also to renounce their allegiance. Hence, he called upon all those responsible for the defense of Texas to make every effort to prevent this calamity and to investigate every suspicious move in Louisiana.⁴

³Branciforte to Duque de la Alcudía, July 3, 1795, in *Archivo General de Indias Sevilla, Audiencia de Mexico, legajo 4, No. 7*, March 25, 1793-October 23, 1796, Transcripts of the University of Texas. For the sake of brevity, this collection will appear in subsequent notes as *A. G. I. S.* with the proper designation of the *Audiencia* of Mexico, Guadalupe, Cuba, *Indiferente general*, or Santo Domingo, Louisiana, and Florida appearing as *Mex. Guad., Cub., Indif., or Sto. Dom., La., and Fla.*, as the case may be.

⁴De Nava to the Governor of Texas, November 20, 1799, Bexar Archives. The Bexar Archives have furnished the majority of the documents cited

But while Spain, from time to time, viewed the French and English with hatred, indifference, or comparative friendliness, she had consistently looked upon the Americans with suspicion since 1783, when they assumed their place among the nations. Conde de Gálvez, one of Spain's foremost statesmen, had, it is true, prophesied that the United States would scarcely undertake a war of conquest against Spain, and had declared that even if that country should ever abandon her purely defensive policy, the vast expanse of unsettled territory lying between the inhabited portions of the two nations would preclude any great danger to Spain.⁵ But the struggle over the boundary question and the demand for the opening of the Mississippi to American commerce had increased the feeling of distrust; and the supreme government had soon considered a plan for erecting a buffer against American growth at Spain's expense by the use of friendly Indian tribes.⁶ In addition, the treaty of 1795, which sharply defined the limits of the American possession, had brought to certain far-seeing Spaniards in Louisiana a full realization of the necessity of reinforcing the population along the western banks of the Mississippi as a precaution against the advance of their "ambitious and too adjacent neighbors" in whom they had observed "a propensity for hunting and a strong penchant for exploring near-by territory, and for settling arbitrarily wherever their fancy might dictate without any legal formality whatever."⁷ Immediately thereafter, the threats of war between the United States and France and rumors of the intrigues of certain Americans for the seizure of territory along the Mexican frontier had still further aroused the suspicions of the Spanish government. Using these reports as a pretext,

in this paper. Unless otherwise indicated, all citations will be to this collection. For the efforts of the Spaniards of Louisiana to capture Bowles see Casa Calvo to Someruelos, June 15, 1801, in *A. G. I. S. Sto. Dom., La., and Fla., estante 88, Cajon 7, legajo 27*, June 15, 1801.

For probable reasons of failure at this time see Morál to the Governor of Texas, March 25, 1800, Bowles was finally apprehended and ended his days in a Spanish dungeon, Cox, *The West Florida Controversy, 1798-1813*, pp. 140-141.

⁵Conde de Gálvez to J. Gálvez, February 6, 1784, in *A. G. I. S. Mex.* 96-2-12, September 23, 1778-August 23, 1784. Cf. The opposite view as expressed by Conde de Aranda, Alamán, *Historia de Méjico*, I, 126-127.

⁶Yoakum, *History of Texas*, I, 104-105.

⁷Recommendation for formation of a barrier through colonization in Louisiana, June 11, 1797, in *A. G. I. S. Sto. Dom., La., and Fla.* 86-7-17, May 8, 1797-July 9, 1797.

Spain, for a time, had refused to deliver the frontier posts in accordance with the provisions of the treaty of 1795, and had made ready to fortify her territory against attack. This distrust was kept alive, as time passed, by constant rumors of retaliatory movements from the United States—both by individuals and by the government. The dislike of the Spaniard for their rapidly growing neighbor is illustrated by an order issued by the viceroy of Mexico in July, 1795. Declaring that he had been informed that the United States was planning to send emissaries to Mexico to insure a revolution, he gave instructions for the exclusion of all Americans as well as of all other foreigners and of all suspicious characters whatever.⁸ On August 27, 1796, the commandant-general forbade, under penalty of imprisonment, the entry of any foreigner into that province or even the admission of citizens of Louisiana unless they could present satisfactory passports. In this case, he singled out the Americans as especially objectionable because of their hostility to France.⁹

Apprehensions of a combined English and American attack upon the scattered settlements of Texas during the continuance of the war in Europe, brought out warning after warning to guard against surprise in Texas.¹⁰ The fear of England's participation reached a climax during the first year of Miranda's intrigues against the Spanish dominions of America and gradually subsided until peace was finally made with England in 1802, leaving Spain free, for a brief season, to concentrate her anxiety upon the United States.

In this struggle between Spain and her changing enemies in Europe and her natural rival in America, the Indians were an important factor. To understand Spain's plan of dealing with the Indians is, therefore, important.

Policy of conciliation.—Upon first entering Texas (1690-1716) the buffer-building Spaniards, who were at that time desirous of erecting a barrier against the advance of the French, had tried to christianize the Indians and to introduce among them the cus-

⁸Branciforte to the Governor of Nueva Santander, July 10, 1795.

⁹De Nava to the Governor of Texas, August 27, 1796.

¹⁰Branciforte to the Prince of the Peace, May 27, 1796, in *A. G. I. S., legajo 5*, No. 64, April 29, 1796-May 27, 1796; and *legajo 18*, No. 23, July 17, 1797-Sept. 5, 1797.

toms of civilized life. To this end, finding that the priests, unaided, could not control the savages, they had established missions under the protection of *presidios* which were calculated to inspire awe in the minds of the savages. Later (1730), they had also founded a civilian settlement in the hope that the residents would furnish a stimulating example to their wards. These measures failed to produce the desired results, and the authorities next (1772-1783) laid especial stress upon the military features of the system in an effort to control the unruly tribes who had defeated their first plans. But, again, no practical results had followed, owing, chiefly perhaps, to the lack of men and funds for adequate warfare against the offenders. So (1783-1801) following the example of the French and the English,¹¹ the Spaniards while still clinging to all the unsuccessful methods mentioned, began to place their chief reliance upon the policy in favor at the beginning of the nineteenth century, that of trying to hold the Indians to their promised allegiance through the systematic distribution of presents and the granting of special trade privileges.¹² This was done in the hope that the Indians could be so attached to Spain as to aid in defeating the commercial and territorial ambition of all comers. In pursuance of this system, frequent visits were made to the ostensibly friendly Indians for the purpose of holding their good will and of learning whether or not bids for their support had been made by foreigners. In addition, presents were periodically made to forestall or to destroy the effects of such adverse influences. This plan, too, had failed. And, at the opening of the nineteenth century, the Indian problem was even more complicated than it had been at the beginning of the Spanish occupation. For, after these efforts of so many years, the Spanish settlers were not safe from the depredations of the very red men whom they had tried to befriend.

Even the mission Indians were unmanageable, often deserting the missions on the pretext that they had to hunt and fish to sup-

¹¹Robertson, *Louisiana under Spain, France, and the United States*, I, pp. 103-104. Cf. De Nava to the Governor of Louisiana, March 26, 1800. The system had been introduced into Mexico by De Croix, De Nava to the Prince of the Peace, Sept. 5, 1797, in *A. G. I. S.*, *legajo* 18, No. 23.

¹²For the work of Athanase De Mézières in establishing the system in Texas and the displeasure of the Indians at not receiving the promised yearly gifts see Ybarbo to Gallvez, November 1, 1780, in *A. G. I. S.*, *Cub.*, *legajo* 70, August 5, 1780-January 26, 1781.

port themselves. Those who had not been under the influence of the priests were still more treacherous. One tribe would make war upon another and then beg aid from their "friends, the Spaniards." Whether or not assistance was given mattered little. The unfortunate and reluctant referees were almost sure to be attacked by one tribe or the other. Again, they would commit depredations merely for the sake of plunder, frequently falling upon a detachment of soldiers carrying supplies from one point to another and making away with everything in sight; or worse still, venturing under the very walls of the *presidios* to steal away the mounts of the soldiers, so that their escape with the loot was laughably easy. They robbed and often murdered settlers who ventured out to round up wild stock needed for actual subsistence—and all this without fear of effective punishment. Sometimes, indeed, soldiers were sent out in pursuit, but only in rare cases were the offenders overtaken; and, in rarer cases still, were they punished for their excesses. As a rule, the punishment went the other way. For instance, after a catastrophe the Spanish authorities usually ordered a careful investigation into the cause of the trouble, often claiming that someone must have "offended" the Indians and thus "provoked" hostilities; and the only result of the investigation would be an order to owners of stock to keep a closer watch over their property so that the temptation to attack would be lessened.¹⁸ An idea of the hopelessness of the situation may be gathered from a letter written in May, 1798, by Manuel Muñoz, Governor of Texas, to Antonio Cordero, Governor of Coahuila, one of the most experienced Indian fighters at that time on the frontier. In reply to a letter giving information of the excesses of the Comanches in Coahuila and of the measures adopted to secure indemnification for injuries, Muñoz advised caution, insisting that in each case the motive for attack should first be ascertained. He urged that tactful measures be taken so that the whole country might not be laid waste, as the authorities—and especially those in Texas—were in no position to prevent continuous attacks from this warlike nation whose members were exceedingly numerous and brave, and, likewise, thoroughly familiar with the country. The Comanches, he pointed out, were allied with other nations of the north who would be glad of an excuse for entering the conflict.

¹⁸De Nava to the Governor of Texas, July 23, 1798.

Previous experiences, he said, had proved that the Spaniards had all to lose and nothing to gain by putting their cause to the test of arms, since no sufficient force for effective warfare was available. He admitted that the Spaniards had always been compelled to endure insults from the Indians and prophesied that they would have to submit to them as long as a single red man remained. In support of this belief he showed that both active warfare and continued conciliation had failed to have any real effect in bringing them to terms and that such plans for peace as had been tried and such attempts at warfare as had been made had merely given the enemy a true appreciation of the weakness of the Spaniards.¹⁴ In speaking of this same case, De Nava suggested that the captains of such parties of Comanches and northern Indians as might come to Bexar should be reprimanded for the excesses of their people and encouraged to return the stolen horses under threat of loss of presents; but he did not wish correction to be too severe because he believed that the offenders were encouraged in their depredations by faithless Spaniards who were living among them and who hoped to reap a personal benefit by disposing of stolen property in Louisiana or even in the United States.¹⁵

The difficulties already enumerated were enough to appall the most resolute; but the worst features have not been shown. Additional tribes, who had been under the influence of foreigners, were constantly applying for admission into Texas; and the authorities, not daring to refuse them entry definitely and finally, were soon confronted with still greater dangers. For example, in July, 1800, José Miguel de Morál, Commandant of Nacogdoches, wrote Juan Bautista Elguezábal, who had succeeded Muñoz as Governor of Texas, reporting the receipt of a communication from Valantein Layssard, Commandant of Rapide, Louisiana, proposing to settle the Choctaws of that province in Texas. Morál vigorously opposed the plan, pointing out that the Indians of Texas would object to sharing benefits with the tribes of other regions; and asserting that the proposed immigrants were under the influence of the English, that they were allied with other Louisiana tribes, and therefore that they would naturally be hostile to the Indians of Texas. He even feared that fatal results would follow their

¹⁴Muñoz to Cordero, May 29, 1798.

¹⁵De Nava to the Governor of Texas, May 29, 1798.

admission. In addition, he explained that the Choctaws would trade in Louisiana, especially in Rapide, where they could buy to an advantage, and that, consequently, Texas would receive no benefits whatever from their entry.¹⁶ As a result of these objections, Elguezábal at once appealed to the Governor of Louisiana to prevent the immigration of the Choctaws; while Morál urged Layssard to persuade them to delay their departure until the final decision of the superior authorities could be received.¹⁷ De Nava soon rendered an unfavorable opinion, and Elguezábal issued an order forbidding their entry.¹⁸ But not discouraged by this refusal, Layssard at once began to lay plans for making peace between his *protégés* and the native tribes of Texas so that one objection to their immigration might be removed. He prepared an address setting forth the wisdom of following his proposed path of peace and forwarded it to José Vidál, Spanish Consul at Natchez, for delivery to the grand chief of the Choctaws.¹⁹ As a result, the petitioners soon repeated their request; and in spite of the fact that for years their conduct towards the Spaniards had not been above reproach they finally received permission to settle in Texas. Upon more than one occasion they had attacked the Indians of Texas; and, although the governor of Louisiana had charged his subordinates to see that the offenders were restrained, his efforts had been without any practical results due to the proximity of the Americans and the English, who kept the Indians supplied with arms.²⁰ Besides this, the Spanish authorities felt sure that contraband trade had been carried on under cover of these same Indians and that the Americans had been the chief gainers by this traffic.²¹

Commercial aggressions of foreigners.—In the summer of 1799, there occurred an incident which shows that distrust of foreigners was well founded, and that some means of holding the friendship

¹⁶Morál to Elguezábal, July 11, 1800.

¹⁷Morál to Elguezábal, July 27, 1800.

¹⁸De Nava to the Governor of Texas, August 4, and September 30, 1800.

¹⁹Layssard to the Great Chief of the Choctaws and other Nations, and Layssard to Vidál, September 15, 1800.

²⁰De Nava to the Prince of the Peace, September 5, 1797, *A. G. I. S., Mex., legajo* 18, No. 22.

²¹M. de Salcedo to Elguezábal, May 2, 1803.

of the Indians against the lure of trade and of conquest offered by the intruders was needed. In July of that year, there appeared at the settlements of the ostensibly friendly Texas Indians, near the Neches, nine citizens of the post of Arkansas, Louisiana,²² with a small party of Indians. At the same time, ten Louisianians and Englishmen, in company with still other Indians, went among the Tawehash and Comanches, who at this particular time, also posed as allies of the Spaniards. They carried goods and fire-arms to exchange for horses. Angered by their audacity, Morál sent out from Nacogdoches an armed party to inquire into the intrusion, but, because of the hostile demonstrations of some of the native tribes, he accomplished nothing, the traders merely withdrawing after their goods had been sold to an advantage. When De Nava learned of these occurrences, he interpreted them as meaning that the Indians of Texas were dissatisfied with their treatment by the Spaniards, and attributed their dissatisfaction either to the influence of the near-by American colonists, the more distant English of Canada, or the traders from Louisiana, who, so he said, were neither French nor foreigners, as had been charged, but Spanish vassals. He thought, also, that the discontent of the Indians might be due, in part, to the fact that they were but little impressed with the military strength of the Spaniards, or to the fact that the Texas traders could not meet the competition of other traders since the former were compelled to secure their supplies in Louisiana under a disadvantage. To the Texas authorities, therefore, he gave once more, the oft repeated instructions to treat the northern tribes with the consideration which their numbers, location, and alliance demanded, in order that they might not be angered and raise complications with the Americans or with the English. He disapproved the sending out of the armed detachment against the intruders, declaring that Morál should have contented himself with threatening the native Indians with the loss of the Spanish trade and yearly presents if they persisted in receiving such persons. He maintained, however, that the order forbidding the entry of foreigners into Texas was to be strictly enforced so far as the English and Americans were concerned, both because Spain was at war with English and because the laws of the country forbade the presence of any foreigner in Spanish

²²A pass near the confluence of the Arkansas and the Mississippi.

dominions.²³ Nevertheless, he advised dissimulation in carrying out the order for the exclusion of Louisianians when not supplied with proper passports. Such persons, as a rule, were really Spanish vassals, he said, and besides it was practically impossible to prevent their intrusion because of the many unsettled portions of the frontier through which they might gain an entrance unobserved. He feared that if they were angered, by being refused admission, they might incite the Indians to begin active warfare. He stressed the importance of maintaining the post of Nacogdoches as a means of holding the friendship of the Indians, by preventing the entry of foreigners among them, and of keeping open communication with Louisiana, in order that events in the province might be known. He urged the discouragement of trade in stock; but admitted that it was almost impossible to prevent the Indians from trading horses for firearms. He recognized, too, that a vigorous policy against contraband traders might anger the Indians themselves; and he therefore advised prudence, explaining that the government of Louisiana had been asked to aid in preventing similar incursions in the future.²⁴ In reply to this request for aid, Marqués de Casa Calvo, governor of Louisiana at that time, expressed his willingness to assist in preventing contraband trade, but tried to divert suspicion from the Louisianians and to place it upon the English and the Americans, whose frontiers reached, as he said, within sixty leagues of New Orleans. He also drew attention to the fact, that along the western bank of the Mississippi from Punta Cortada to Puesto de Arkansas, there was not a single Spanish garrison to prevent the entry of foreigners.²⁵

The intrusion just discussed was by no means a rare case. For, in spite of the opposition of the Spaniards, many bold spirits took advantage of the unguarded frontier to push into the forbidden territory to trade with the wily Indians who, with equal avidity, received favors from both Spaniards and intruders. The latter were also eager to trade with the Spaniards themselves; and found some of them daring enough to lay hold, in this way, upon a few of the comforts and even the bare necessities of life denied them by the

²³See *Recopilacion de Leyes de los Reynos de las Indias, Libro IX, Título XXVII, Ley IX.*

²⁴De Nava to Elguezábal, September 18, 1799.

²⁵Casa Calvo to Morál, March 8, 1800, in Morál to Elguezábal, April 26, 1800, and Casa Calvo to [Elguezábal], March 10, 1800.

short-sighted commercial policy of Spain, which even forbade trade between the two Spanish provinces of Louisiana and Texas and refused to open a port for the exportation of the products of Texas to the Spanish port of Vera Cruz and Campeche.²⁶ The temptation to violate the law was obviously great. The people had no inducements to devote themselves to agriculture—in fact, never raising sufficient crops for their own use. Foreign traders offered their wares at tempting prices in return for wild stock—practically the only medium of exchange upon which the natives could lay hands—and it is not surprising that many of them fell in with the plans of the intruders.²⁷ Although, upon assuming the office of Governor of Texas, Elguezábal had issued an order absolutely prohibiting all traffic across the Texas-Louisiana frontier,²⁸ he had been unable to achieve any degree of success in spite of the fact that he had insisted vigorously upon the execution of these instructions.²⁹ Sometimes over one thousand head of stock were slipped across the border in a single month,³⁰ and in spite of all efforts, clandestine trade went merrily on, no doubt connived at by some of the local authorities and greatly enjoyed by many of the settlers.

²⁶Such a system had been proposed at the end of the seventeenth century and revived again in 1778 by De Croix and Bernardo de Gálvez. Carlos III, who had imbibed many liberal ideas from a long residence in Italy, had given favorable consideration to the proposal, but nothing had been done in the matter because of the benighted condition of the people, the lack of funds, continued war between France and England, and strained relations between Spain and the United States. See Priestley, *José de Gálvez, Visitador-General of New Spain, 1765-1776*, pp. 25-45.

²⁷Previous to the beginning of the period under discussion, permission had been sometimes given to persons living in Louisiana to come to Texas to secure horses for the government so that there would be no incentive to contraband trade with the English and the Americans; but the privilege had been so far abused that the authorities in Texas had soon felt compelled to interfere.

²⁸De Nava to the Governor of Texas, March 19, 1799.

²⁹Elguezábal to Guadiana, September 1, 1801.

³⁰An illustration of the aggressive trade methods of the intruders is furnished by the case of Carlos Boyle, who had located at Nacogdoches in 1796. He had secured permission from the Spanish authorities to place a boat upon the Trinity with the avowed purpose of facilitating travel between Nacogdoches and Bexar. But it was not long before he was introducing contraband goods under cover of his concession. But as soon as this procedure became known, he was ordered out of the province and a close watch was placed upon the mouth of the Trinity to prevent the possible landing of boats at that point. Morál to Elguezábal, June 26, 1800.

Territorial aggression.—Not all of the intruders of the time were considered mere traders, however; for some were believed to have designs upon Spanish territory. In such cases the government was forced to make even greater exertions to repel attacks. As a filibuster, James Wilkinson's *protégé*, Philip Nolan, is, of course, the conspicuous example. In his case the Spaniards were thoroughly aroused because his schemes had such an element of the mysterious. For instance, it was charged that he wished to engage in contraband trade, that he had designs upon the rich mines of Mexico,³¹ that he was in league with Wilkinson, who for years was to exert a powerful influence upon the Spanish immigration policy, and that he intended to occupy Spanish territory by means of support from the British government. Although the Spaniards were never able to determine which of these motives was the true one, they did know that there were great possibilities of danger in the situation, since he numbered among his followers Englishmen, Americans, and Spaniards who had gone with him to Louisiana after a previous trip to Texas in quest of stock.³² That these fears had their foundation in fact is certain. There were a number of Americans who formed independent plans for invasions; and others, like Clark and Blount—some of them even high in the councils of the government—who were willing to listen to plans for an American or even a joint American and British attack upon Spanish territory. But as the Spanish authorities were on the alert, they were able to dispose of Nolan and his ridiculously small number of supporters in short order. However, others soon took up similar plans; and the defenders were forced to remain constantly on guard.

From all the evidence considered it is quite clear, then, that at the beginning of the nineteenth century, the Spaniards felt compelled to be on their guard against the Indians, whom they tried to conciliate; against Spanish vassals of Louisiana, whom they really distrusted but feared to antagonize; against the French, whom they did not feel justified in definitely classing as either friends or foes; against the English, whom they kept under constant surveillance; and against the Americans, whom they feared

³¹This threat against the mines of Mexico was certainly no new or isolated case, Winsor, *The Westward Movement*, pp. 369 and 395.

³²Múzquiz to Elguezábal, July 2, 1801.

most of all. Throughout the period to be considered, the Spaniards never lost their distrust of foreigners, although the authorities finally permitted the entry of a number of them who had located in Louisiana and had been there made Spanish vassals, in hopes, at first, that they would form a buffer against the English of Canada; next, that they would weaken the United States by their emigration, and, finally, that they might even be induced to set up a separate government in the west.³³ Indeed, the local officials responsible for inviting immigrants into Louisiana may justly be held accountable for the final loss of Texas.

Imperfect execution of exclusive policy.—In January, 1799, José Mariá Guadiana, Lieutenant Governor, who was stationed at Nacogdoches, wrote to Governor Muñoz, saying that, in obedience to orders, he had refused the second request of a certain "Hriala Wiggins and Hare Crow,"³⁴ inhabitants of Rapide, Louisiana, to hunt bear, beaver, and deer near Nacogdoches. He had also ordered out of the province Juan McFarrel, an American, who had a passport from the commandant of Natchitoches, and had decided to keep an eye on Samuel Davenport, another American, who had been going in and out of Nacogdoches for years, and who at that time was associated in business with Eduardo Morfil, of Natchitoches, and William Barr of Nacogdoches. Both of the last named men, he said, bore good reputations and were engaged in furnishing supplies for Indian trade at Nacogdoches.³⁵ The presence of these men in Texas naturally raises the question as to the number of foreigners who, by fair means or foul, had managed to gain entry into Texas by 1801.

Foreigners in Texas in 1801.—No census of Texas for this year has been found; but a list of foreigners in the jurisdiction of Nacogdoches in January, 1804, furnishes the information desired. In this register the commandant records the name, nationality, and term of residence of each person.³⁶ It contains the names of

³³Phelps, *Louisiana*, 149-177.

³⁴The Spanish spelling of proper names has been followed except in case where the real names of foreigners has been determined from original signature.

³⁵Guadiana to Muñoz, January 3, 1799.

³⁶It is, therefore, possible to determine roughly how many foreigners there were in the jurisdiction of Nacogdoches in 1801 and to ascertain

sixty-eight foreigners, of whom fifty had lived in the jurisdiction more than three years. Of these fifty, thirteen were Americans, among them Santiago Dill and Samuel Davenport, whose names are familiar to students of Texas history and whose cases may be taken as illustrations of the means employed for gaining entry into Texas. Dill was a native of Pennsylvania. He had taken the oath of allegiance to the Spanish government in 1794, during the administration of Miró, Governor of Louisiana. He had immigrated to Texas in 1800. Davenport, also, was a native of Pennsylvania, a married man, thirty-seven years of age, and an Indian trader by occupation. He claimed that he had left home when only sixteen years of age and had gone almost directly to Louisiana, at that time under Spanish rule. According to his own statement, he had gained the confidence of the Spaniards by his good conduct, and had been allowed to become a partner of William Barr, the accredited Indian agent. Barr was the most prominent Irishman who had settled in Texas before 1801. He, too, had taken the oath of allegiance under Miró. He had first come to Texas, so he said, for the purpose of securing stock to take to Pittsburg, where his parents lived; but had been so pleased with the country that he had settled at Nacogdoches with the consent of the commandant at that point. He had been living in that *pueblo* since 1793, having been appointed Indian agent by Commandant General Felipe de Neve. Of the seven other Irishmen listed, Santiago Conilt, who had entered Texas in 1786, may be named as the pioneer. The English were represented in a much smaller proportion than the Americans or the Irish. Nevertheless, they had entered Texas quite early, for Crisostomo Yucante, a native of Canada, had preceded Conilt to Texas by a few years, having located in 1783. Of the nine Frenchmen named as early settlers, Juan Sarnac, a native of Rochelle, and Guillermo Bebe, a native of Louisiana, had lived at Nacogdoches since 1788. Among other Frenchmen located at Nacogdoches and who had been born in Louisiana, several claimed a residence of twenty years.³⁷

practically how many there were in the whole of Texas, since, at that time, not many had passed the threshold of the forbidden territory. However, Lorenzo Reveque and Pedro Longeville may possibly have also lived at Bexar at this time. Salcedo to the Governor of Texas, April 14, 1809. Cf. List for December, 1799.

"Padron que manifiesta los Extranjeros, January 1, 1804; Expediente

Thus the settlement of foreigners at Nacogdoches had begun as early as 1778 with the entry of two Frenchmen—one from France, the other from Louisiana. Within the next few years, several other persons of French extraction had joined the pioneers. In 1783, the English had begun to send representatives to the region, while three years later the Irish had appeared upon the scene. By 1789, the American movement towards Texas had commenced; and by 1801, the stream of immigration, deriving strength from all these sources, had attained respectable proportions. Some of these settlers had come from Louisiana, some from Canada, some from the Atlantic seaboard, and others from far-away Europe. Although the majority were listed as farmers and laborers, many were engaged in trade as a means of earning a livelihood. Naturally, the traders made up a shifting population, and, hence, discrepancies in various census reports are not to be wondered at.³⁸

It is hard to reconcile the presence of this large number of foreigners with the exclusive policy of the Spanish government just outlined, unless it be remembered that many of these who had been permitted to enter Texas were considered worthy of confidence because, like Barr and Davenport, they had previously lived in Louisiana, and had there taken the oath of allegiance. However, Guadiana was accused of having freely permitted the entry of many foreigners against the strict orders of the commandant general.³⁹ Although on January 3, 1799, he promised to obey orders in future, his conduct was not satisfactory to his superiors. So, when selecting his successor, they decided to change the commandant at this place every five or six months to prevent him from forming any secret entangling alliances with the people of the United States.⁴⁰ To the new commandant they repeated former orders, and, likewise, gave new instructions that communication

Sobre Extrangeros, May 8, 1810. Affidavit of Barr, June 16, 1809; and affidavit of Davenport, June 16, 1810.

³⁸*Padron de Nacogdoches*, December 31, 1798. For instance, Juan Roy [Röel], a German, who was reported in 1828 to have resided in Texas for about thirty years, does not appear on any of the lists of early settlers at Nacogdoches.

³⁹De Nava to the Governor of Texas, March 20, 1798, and Elguezabal to the General Commanding the Eastern Provinces, November 30, 1800, in translation of Historical Documents in the Archives of Bexar County, 1st Series, Part IV, Adventures and Private Expeditions into Texas, No. 1, Document 8, Nacogdoches Archives.

⁴⁰De Nava to the Governor of Texas, May 14, 1799.

across the border must be restricted to gathering information of the activities of the enemy.⁴¹ But owing possibly to ill health, De Nava was unable to enforce these instructions. However, in the summer of 1800, Nemecio Salcedo, the most exclusive of exclusives, who was in office for a number of years, and who was to have a decisive influence on the colonization policy of Texas, was assigned to duty in the interior provinces for the especial purpose of guarding against an English attack.⁴² Naturally he made every effort to keep out all other intruders as well. The fact that two foreigners, Martin Doyle and a certain Aroberson, who had been staying at Nacogdoches, were ordered out of the province, in June, 1803, probably indicates that (for at least a short time,⁴³ he was able to secure obedience to his orders. However, at this juncture the unexpected retrocession of Louisiana to France compelled him to modify his exclusive policy sufficiently to permit the transfer to Spanish soil of all vassals of Louisiana who were displeased with the change of sovereignty. The history of the transfer of a number of these colonists to Texas will later be traced; for in spite of the fact that the Spanish authorities constantly felt afraid of the Americans as a nation, they allowed their strong desire to settle Texas to outweigh their first sober judgment. Indeed, they evidently half persuaded themselves that such Americans as desired to settle in Spanish territory were untrue to the government of the United States and would thus be effective guardians against the advance of the great body of Americans.

⁴¹Muñoz to Morál, June 22, 1799.

⁴²Cédula, August 26, 1800. However, he did not assume office until the end of 1802. N. Salcedo to the Governor of Texas, November 4, 1802.

⁴³(Elguezábal) to the Commandant-General, June 22, 1803, Draft No. 80, in *Quaderno Borrador*, December 8, 1802-June 30, 1803.

THE BRYAN-HAYES CORRESPONDENCE

I

Guy Morrison Bryan was born at Herculaneum, below St. Louis on the Mississippi, in Missouri, January 12, 1821. He spent most of his time until ten years old at Potosi, where he attended his first school. In the spring of 1831, his step-father, James F. Perry, and mother departed for Texas. The family traveled in wagons, and Guy rode a mule the entire distance. They arrived at San Felipe in August. The family established its permanent residence at Peach Point. Guy attended the school taught by Mr. Pilgrim near Columbia; he boarded at the home of Josiah H. Bell. Early in March, 1836, Mr. Bell informed Guy that a courier had arrived from San Felipe with a despatch from Travis, calling for aid, that the courier and his horse were exhausted, and requested Guy to carry the despatch to Brazoria and Velasco. "I left with the letter, arriving at Brazoria after dinner. My arrival there with the open letter produced a great sensation. I was immediately surrounded by a crowd. After a copy of the letter was taken, I proceeded on my way by Peach Point to Velasco. At Peach Point I got a fresh horse and arrived at Velasco at night. Crossing the river, I immediately reported to Captain Poe. . . . All the troops and people of the town assembled at Poe's headquarters to hear the news. . . . My reception there and at Brazoria made me feel like a hero."¹

Austin and Joel Bryan, older brothers of Guy, were in Houston's army. The advance of the Mexicans under Santa Anna caused all the families west of the Trinity to abandon their homes and move eastwardly. Mr. Perry accompanied his family to the east bank of the San Jacinto, and then left Guy in charge, while he with his negroes joined Colonel Morgan, who was fortifying Galveston. "We joined the throng of fleeing people. As far as the eye could see, extended backward and forward, was an indiscriminate mass of human beings, walking, riding, and every kind of

¹Autobiographical sketch of Guy M. Bryan. MS. copy in University of Texas Library. For a biographical sketch of Colonel Guy M. Bryan, see *THE QUARTERLY*, V, 121-136.

vehicle. The prairie was covered with water, and the roads were exceedingly muddy."²

On April 21, the Texans achieved the notable victory at San Jacinto. "On the east of the Trinity, in the big prairie between that river and the Neches, I heard from the multitude of the people behind us shouting. Looking back I saw a horseman moving rapidly toward us. As he passed the people, they shouted. His nearer approach enabled me to distinguish what he said, which was 'The Texans have captured Santa Anna's army.' We all shouted also. Such a happy and joyous people have never been found anywhere."³

"The people at once began returning home. I joined the army at San Jacinto. Mr. Perry rejoined his family at this point and returned with them to our home." The Texas army followed the retreating Mexicans. Guy became sick with the measles, which threatened serious results. He was sent home, where he came near dying with pneumonia.

On May 14, 1837, in company with his mother, his brother Austin, and sister Eliza, he left the mouth of the Brazos in a brig for New Orleans. Thence they proceeded in a steamboat up the Mississippi to Louisville. Several months were spent in visiting relatives and friends in Kentucky. Thence they proceeded to Portsmouth, Ohio, where relatives of Mr. Perry resided. Accompanied by Austin, Guy proceeded to Gambier, where he entered Kenyon College in the fall of 1837. "I remained there for five years and graduated in 1842." His warmest friend at college was Rutherford B. Hayes, classmate and fellow member of the Phi Zeta Club. Bryan was a member of the Nu Pi Kappa Literary Society, and Hayes of the Philomathesian.

After his return home Bryan began the study of law, but his eyes gave him so much trouble that he had to abandon it, and devote his attention to the duties of an outdoor life, having to do with the management of his mother's business. Bryan was a State Rights Democrat. When the war with Mexico began, he volunteered as a private in a Brazoria company. At Point Isabel, his brother Stephen was about to die of the flux; to save his life Bryan carried him home. In 1847 he was elected to the legisla-

²Ibid.

³Ibid.

ture; served three terms in the house, one in the senate, and one term in congress. He was a delegate to the national Democratic conventions of 1856 and 1860. At the outbreak of the Civil War he enrolled as a private in one of the Galveston companies; he rose to the rank of colonel by the end of the war. His service was mostly in the Trans-Mississippi Department. The war left him broken in health and heavily burdened financially. He served in the 14th (speaker), 16th, 20th and 21st legislatures. Colonel Bryan died at Austin, June 4, 1901.

Rutherford Birchard Hayes was born at Delaware, central Ohio, October 4, 1822. He received his preparatory schooling in Middleton, Connecticut, but in order that he might be nearer the home of his widowed mother, Kenyon College, at Gambier, was chosen for his advanced studies; he entered there in November, 1838.

Kenyon College was the first missionary enterprise of the Episcopal Church in the West. The first class was graduated in 1829. Situated on the college tract of four thousand acres, it dominated its environment. Plain living was the rule in those pioneer days. The large number of distinguished men educated there indicates the character of the material it had to work with and the quality of the training imparted. The attendance during the years 1837 to 1842 ranged from 107 to 203. The situation was an ideal one for the creation of those attachments for life, such as the friendship between Guy M. Bryan and R. B. Hayes.

After graduation at Kenyon, Hayes read law for ten months at Columbus; then attended the Law School of Harvard University from 1843 to 1845. In the spring of 1845 he began the practice of law at Fremont, and remained there until the outbreak of the war with Mexico. Kept out of the war by the condition of his health, he traveled. In company with his uncle, Sardis Birchard, he made a visit to his classmate Guy M. Bryan in Texas in December, 1848. He spent several months visiting the different sections of this State. Extracts from a journal kept at this time are published in his life by Charles R. Williams.

In 1849 Hayes opened a law office in Cincinnati, and soon enjoyed a good practice. Originally a Whig, he joined the Republicans and took an active part in the presidential campaigns of

1856 and 1860, but the only office held by him before the Civil War was that of city solicitor. In June, 1861, he was appointed major of the 23rd O. V. I., and by successive stages attained the rank of brevet major general in 1865. Most of his service was in western Virginia and West Virginia. He was a member of the 39th and 40th congresses (1865-1867); served three terms as governor of Ohio, 1868-1872, 1876-1877. He was President of the United States from 1877 to 1881. He died at Fremont, January 17, 1893.

Soon after the publication of Williams' *Life of Hayes*, the editor's attention was called to the excerpts from Hayes' journal of his visit to Texas in 1848-49 published in this work. Correspondence with the secretary of the Ohio Archaeological and Historical Society yielded the information that plans had been matured for the publication of the journal complete, but that there was a large number of letters from Colonel Guy M. Bryan in the Hayes Memorial Library. Permission to copy these letters was cheerfully granted by Colonel Webb C. Hayes, son of President R. B. Hayes. The expense of copying was paid out of the Littlefield Fund for Southern History.

The Bryan letters proved so interesting that inquiry was made concerning the whereabouts of the letters from Hayes. They are in the possession of Mrs. E. L. Perry, daughter of Colonel Bryan, and she has generously furnished the copy from which they are now printed. Additional interest attaches to the Hayes letters from the fact that none of his biographers had access to them. Mr. Williams thought they were destroyed in the Galveston storm of 1900.

The correspondence covers a period of fifty years, 1843-1892. It is as varied in its contents as the careers of the authors. A good many letters are missing from the series. A few, those from Hayes written before 1850, were burned along with others when Colonel Bryan decided to reduce the bulk of the papers in his possession. A few of the Bryan letters have been omitted. In a few instances letters have been published only in part. The correspondence, however, is most complete and reaches its greatest importance during the campaign for the presidency in 1876 and Hayes' administration, 1877-1881. "Shortly after President

Hayes's inauguration [says Colonel Bryan] he wrote me to come to Washington that I could 'help him,' which I did and was his guest at the White House for over three weeks—during the settlement of the Louisisana and South Carolina Legislative difficulties. When I left he told me I had been of great service to him and that much of his kindly feeling toward the South was due to me."⁴ Testimony to the same effect is borne by President Hayes's most recent biographer, Mr. Williams; he writes:

Of all Hayes's friendships that of longest duration was the one formed in college days with his classmate, Guy M. Bryan, of Texas. It was an instance of the strong attraction of opposites. Mr. Hayes was a typical Northerner; Mr. Bryan, a typical Southron. Each was intensely loyal to the traditions of his section. But each always strove to understand the other's point of view and not to allow his judgment to be swayed by mere prejudice. Constant correspondence was kept up between the two throughout their lives, except during the period of the war, when they were fighting for their convictions on opposite sides.⁵ Soon after the dawn of peace they found each other again and renewed their interchange of views. Mr. Bryan, who was a Democratic leader in his State, let the Texans know through the press his high estimate of Mr. Hayes's character and principles when he was nominated for the Presidency; he thought, indeed, it would not be a bad idea for the Democrats to second the nomination—he had such confidence in the patriotic purposes and especially the good intentions of his friend toward the South. It is very probable that Mr. Bryan's letters, which were full and diffusive, discussing all phases of the Southern question, the condition of the two races and their mutual relations, were among the influences that determined Mr. Hayes's attitude of mind toward all things Southern.⁶

⁴Ibid.

⁵At Camp Green Meadows, West Virginia, July 18, 1862, Colonel Hays wrote in his diary: "After drill a fine concert of the glee club of Company A. As they sang 'That Good Old Word Good-bye' I thought of the pleasant circle that used to sing it on Gulf Prairie, Brazoria Coast [County], Texas. And now so broken. And my classmate and friend, Guy M. Bryan—where is he? In the Rebel army! As honorable and true as ever, but a Rebel! What strange and sad things this war produces! But he is true and patriotic wherever he is. Success to him personally!"

⁶Williams, *The Life of Rutherford Birchard Hayes*, 423.

BRYAN TO HAYES

Peach Point near Brazoria, Texas

January 21st 1843

My Dear & truly beloved friend

When e're the mind reverts to my College days (& that is oft—*most* often) *you* stand the *first*—the prominent *one* in the minds eye. Rud, there is nought in this wide world I would not give once more to *see & converse* with *thee* & thine. You are to me the *chosen* one of all my friends & I shall ever cherish you as such in the most sacred chambers of my heart. There are two other cells (of the heart) “garnished & kept clean” for Albert & Nichols, but *yours* is number (1) *one* & such shall *ever be*.

I have thought it a little strange that I have not recd a line from you since we parted at Dayton, but I presume you have written & from some cause I have not yet recd your letters or you may not have written at all. Be that as it may my confidence in you is not altered a jot, for I *know* you are no “sunshiny friend,” but *true as steel*,—the embodiment of noble constant friendship & of every manly virtue. I wrote you twice since I have returned & once on the Mississippi & once on the Ohio rivers. . . .

I am much pleased, yea delighted with my country as far as fertility, climate, products, beauty, &c is concerned. It is one of the finest countries in the world. It is now the 21st of Jan & every thing betokens spring, the ploughs running, seeds planting, hens cackling, geese screaming, trees budding, all things vegetating. I sometimes feel as if I were in an enchanted land, so strange & unusual does everything appear around me. We have not had during the whole of this winter a single day that you would call *cold* in the north. Neither is the weather warm, but of delightful medium. The only objection I have to find with the winters here, is that the temperature is sometimes too variable in consequence of the wind chopping around to the north producing what is here called “northers,” during the prevalence of which we have our cold weather, which does not last for more than a day or two at a time. The lands on the rivers are remarkably fertile & well timbered; the timber extends from a mile and one-half to twenty miles in width, sometimes much wider where the timber of several streams intersect or unite. The forest in many portions of the country is

perpetually green, abounding in evergreens of every description & variety,—such as the live-oak (“the giant of the woods”), *the wild peach*, the holly, the yupon, &c, all of which abound in & around my father’s plantation. In the first letter I wrote you on my return I described our plantation &c especially the yard which I dignified by saying it was worthy of *her*, the lover of flowers & plants. It has been perfectly green throughout the whole of the winter. It is pleasant to a *sore-eyed man* to wander in the *dead of winter* through walks embowered with roses & fragrant shrubs of every kind & colour, to meet at every turn the orange the vine the fig & pomegranate, all of which abound in my mother’s yard, the products of our genial clime & mother’s guardian care. So much for our climate & products. “Our neighborhood” for intelligence & worth is equal to that of the same number in any country. I have found as much good judgment, real worth & intelligence in Texas, as I ever met with in the U S & we have as much refinement & intelligence among the fair sex of our country as you will find anywhere. True it is not *so general* as in *some parts* of the U S, but we have our circles of beauty & accomplishment & intellect that will vie or bear comparison with the proudest & best of your land. I intend visiting Matagorda in a few days. I have been told that the society there is the best in the country Gen. Somerville⁷ resides there. We expect him down from the capitol in a few days & I will accompany him over home. When I return I will let you know something of my jaunt.

You will learn before you receive this letter that part of the small band of Texians that crossed the Rio Grande under Gen. Somerville have been captured by the Mexicans. No doubt you will be somewhat interested in hearing a *correct* account of said capture. My brother Austin who was 1st Lieu of the Brazoria company & one other of our family Mr. Hammiken of whom you have often heard me speak, who was Interpreter & Secretary to Gen. Somerville, have returned & stated the following to me.⁸ The whole number of citizens that turned out to meet the Mexicans at San Antonio were about 1200. When Somerville took command he said if he could get enough to follow him he would march

⁷Alexander Somervell; thus throughout this letter.

⁸A fuller account of General Somervell’s expedition to the Rio Grande is printed in *THE QUARTERLY*, XXIII, 112-140.

across the Rio Grande & chastise the enemy in their strongholds. All but seven hundred (700) returned. With this force Somerville marched to the Rio Grande & captured the town of Laredo. Here some of the troops manifested the greatest insubordination & commercial plundering, taking whatever they could lay their hands upon, contrary to an express command of the Gen. Somerville ordered all the plunder to be surrendered, a great deal of which was given up, the Gen. then gave it to the Mayor of the town & ordered it to be returned to the proper owners, stating at the same time that the plundering was contrary to his express wish & orders. From this place two hundred men returned, leaving only 500 with Somerville. The Gen. paraded the troops & told them he would no longer command them unless they pledged themselves to be subordinate & refrain from pillage, to which the army agreed & individually signed a written pledge to obey their officers & refrain from plunder. This was the only course Somerville could take. He could not enforce his orders. The army crossed the Rio Grande five days after sixty miles below Laredo at the town of Guerrero which they captured. Somerville would not march into the town as the Mexican troops had evacuated it but camped two miles beyond. Here a requisition was made upon the town for provisions, which was filled. The Mexican troops having fled & perceiving that his own men were more disorderly than ever & that it was impossible to enforce obedience & that to remain in an enemy's country in that situation was dangerous in the extreme, he issued his orders for the army to take up their line of march homewards; two hundred obeyed the command, three hundred mutinied & remained. Somerville with the two hundred returned. Those that remained elected Wm. Fisher Col. & proceeded down the river to Mier (about the size of Guerrero & 30 miles below it). Fisher marched into town & made a requisition upon the town for provisions, which were to be left at a certain point upon the river. He recrossed the river & remained on the east bank two days, on the 2nd day he marched to the point designated for the provisions. He there recd word from the town that if he wanted provisions he must fight for them. Fisher crossed the river with 220, attacked the town & penetrated into it & took possession of the houses where he continued the fight during part of the night & half the next day, when the Mexicans sent a white flag, several Mexican

officers accompanying it who could speak English who told the Texians they need not fight that their force was large & that they would receive in a very short time 1000 more. The men were scattered through the town 8 or 10 in a house. Some of them were boys & others never before had tried Mexican clemency. They were prevailed on to surrender in small squads until they were too weak to make a fight. Poor fellows they will pay dear for their folly for if they had obeyed Fisher they could have cut their way out to a thicket which surrounds the town & the old devil himself could not have got them out. Fisher wished to do this but there was no subordination & it could not be effected, indeed one of the captains swore he would not. The Mexican force was 1500 men. The Texians killed upwards of 200 of the enemy. Their loss was 4 killed & 15 or 20 wounded, it is thought that the Mexicans were whipt when they sent in their flag & that the ammunition of many of the Texians had failed 53 were detailed as camp guard on this side of the river, all of whom escaped. The above information with reference to Fisher was obtained by my brother Austin from a couple of the guard who escaped & joined Somerville on his return from the Rio Grande (with his two hundred men, one of whom was my brother) & also from two who escaped from the town of Mier after the surrender. 16 of the Brazoria company were taken prisoners; with the exception of three they were all transient persons. All those who had an interest in the country returned with Somerville. Brother says about three-fourths of those who went on were expressly for plunder, that they were men who had no interest in the country, who had nothing & wished to make something by the expedition. In consequence they would obey no one, not even after they had selected Fisher one of their own choice. This expedition to Rio Grande will be of advantage to the country for the war hereafter will be carried on there. Our prospects politically are rather gloomy not that we fear Mexico, but the times are so hard & people so poor that our government has no means to do anything. I shall visit the U S in the summer or fall. I have done nothing in way of study since I have returned on account of my eyes which are now very sore & I fear will long trouble me. If they do not get well ere long I shall turn my face to your country and seek medical aid.

Stephen's health is not good at present owing to over exercise.

He has killed since his return two leopard cats, one panther, & one deer.

Your name & character through me are well known to all my family & would be pleased to see you in Texas. Where is Al? I will write him soon. Love to all friends. Pay your postage to N. Orleans & direct to the care of Archibald Austin & I will get your letter. Write soon. Love to *all*. I will send in the spring by Stephen some seeds, roots &c to Lizzie & your sister.

Tell Fitch Matthews I saw not long since a gentleman who knew his uncle Will. Says he is a physician, is a highly respectable man very much liked by his neighbors, has given up preaching on account of his lungs, thinks he will not live a great while, lost his eldest daughter a short time since.

Give my *very best regards* to Miss Julia & tell her I am coming back to Columbus before many years. Tell Douglass Case he is one in a thousand & I will write him before a great while. Present my regards to your mother, sister & Mr. Platt. I remain

Your devoted friend

Guy M Bryan

Rutherford B. Hayes
Columbus, Ohio
Care of Wm. A. Platt.

BRYAN TO HAYS

Peach Point
December 21st 1843

My Dear Rud

On the arrival of your letter of the 21st of Sept. I was absent paying a visit to Gen. Somerville at Pass Cavallo; which must account for my long delay in answering your most welcome letter. Indeed my dear friend a richer & more delightful feeling I have seldom experienced from any source, than that caused by your affectionate letter, for this was the first letter I had received from you since last May. You may well say dear Rud that *our* friendship "has not been affected by time or place," & "that age & experience" whatever change they produce in character & feeling will still leave *us all* that is valuable & worth preserving in our friendship,—having its foundation in purity of principle & goodness of heart—*never* to perish, while the pulse continues to beat,

unless good morals are shipwrecked in the struggle of life; the last *cannot, must not* be. Many friendships I have formed in life; many who are & ever will be dear to my heart, who are so linked with the past, that memory must refuse to perform its office & the heart still its pulsations forever, ere they be forgot or cease to be beloved—but among these you are not included. No! you stand in the chambers of the heart, *above, beyond* them all—but I cannot give the place you hold in my affections—the occasion is too severe for expression, my pen rests mute upon the paper. Concentrating in yourself all that is respectable in character, estimable in morals, & admirable in mind, upon you, you have drawn the *focus* of my “*friendship policy*” & woven a Gordian-knot within my heart, that nought but death will ever sever. But you know this, don’t you Rud? You know that my attachments are strong & that you are the first in my affections, & best beloved of all my friends. . . .

I wish to leave Texas in May. I shall visit Arkansas & Virginia on business first & thence for *love & friendship* in Ohio.

I confidently expect two months since to make the above trip, but we have had for the last two months the most unprecedented rains. The whole country has been under water. The Brazos River has again overflowed its banks. The crops which were most promising have been cut off one fourth. My father who had a most promising crop will not make more than 60 bales of cotton. Our lands which cost three thousand dollars annual tax, bring us in scarce a farthing. We are thus dependent upon our cotton crop for our active means, & that having failed for this year, I fear we will be unable to pay expenses. I however hope to obtain of a large cotton planter, who has made a tolerable crop, & owes us 15 or 16000\$ & is an *honest man* a sufficient sum to answer my purposes & enable me to go to the U S. I will be willing to discount his note most liberally & I trust will succeed in getting money enough to see you in Ohio next spring. . . .

My eyes continue bad. I fear that I will contrary to my most cherished inclination be compelled to give up the law & turn planter. What do you think of this? You say you will visit Texas before you settle down. Do my dear friend & if you are not pleased I give you permission to go back. My family all know you well already & speak of you to me as if you had been an old

acquaintance. Come & you will find the "latch string" ever out, always hanging out for you & yours. I thank you truly for your letters to Stephen. He wrote me about them. My parents return you their thanks for your kind & brotherly consideration for his interests.

Now Rud I want to write something upon a subject which I feared to touch upon before, for I have so much to say I knew I would write upon nothing else.

The Annexation of Texas now engrosses the attention of the U S as well as that of other people. The question is looked upon as being one of the most important that has ever agitated the minds of Americans. I conceive it my dear friend to be the most important subject ever arisen since the Declaration of American Independence. Texas from her situation must be a source of good or evil to the U S. It depends upon the U S which to make her. Mexico can never conquer Texas. Of that fact the Texans themselves are perfectly satisfied. Texas is tired of war. The western portion of the country is poverty stricken—made so by our enemy. The crops of the country have nearly failed for three years in succession. Upon the crops the people depended entirely for support, for the Texian people are emphatically an *agricultural people*. Lands will bring nothing. Immigration has almost stopped. There is no money being made in the country & none brought in. This state of things has been in existence for near three years. The people are distressed & disheartened. They are aware that peace, *permanent* peace, will restore prosperity. Texas looks first to the U S for it. She is the native country of four-fifths of her inhabitants. She feels for her mother (U S) gratitude & affection. She asks her mother to receive her. Will that mother reject? If so woe be to her. Necessity knows no law. *Into the arms of England Texas must go, either as a province, or a tributary nation.* This I fear Rud is the truth. The people of Texas want a respite from their toils. Back to Mexico they will never go; that hatred consequence of injuries received & inflicted during a long war by both parties,—that contempt & disgust which wilful ignorance, bigotry & imbecility never fail to produce forbid *forever* under *any* circumstances Texas again becoming a portion of Mexico. In our present condition we cannot remain. There are but two alternatives left us. First be received

into the U S. This we prefer. This is the one voice of the people of Texas. Or go to England as a province, or retain our nationality under British influence. If the first is rejected, one of the two latter will be accepted, *must be* the case. In either of the two cases the U S must suffer & ultimately may be ruined.

What objection is made to annexation? Slavery? Three-fourths of Texas will admit of free labor, one-half *require* it, leaving only a small strip of country on the coast for slave-holding. The whole of the west is peculiarly adapted to white labor & in time will be a great manufacturing & milling country. The whole north is destined for free labor. Again the admission of Texas would make Maryland, Ky & Va free states (the importation of slaves from any other country but the U S is declared piracy by the Con[stitution] of Texas) for slaves in these states are expense & the owners would be glad to move them to the coast-country of Texas. Your free states then would be increased in number & British influence not felt. Beware of foreign influence said Washington. By the rejection of Texas you bring this influence to your very doors—by *annexing* Texas you guard against it. If Texas does not become a province of England she will be brought under her influence in this way. Already I have understood propositions have been made to England to admit her manufactures *free* of duty into our ports & she will admit Texas staples *free* into English ports. If the direct tax could be paid our Congress would now abolish tariff. *If we are not annexed*, this abolition will take place, for the advance of cotton would enable us to pay our direct tax. What will be the consequence to the U S? Texas will become the *depot* of English goods for America—a thousand miles of frontier you cannot guard, the south will be deluged with goods smuggled from Texas at a lower price than the North can afford to sell them. Texas in European marts will undersell the southern staple. Texas has no vessels. England will be the *carrier* for her. Texas affords the finest timber in the world (live oak) for ships. This England will possess. The commerce of England to the U S, Texas & Mexico will require protection. This will give her *command of the Gulf*. Is this compatible with the interests of the U S? If Texas is annexed, the North will have our raw materials of cotton & silks, also sugar & naval material which she can manufacture & use for her & *our* benefit. A rich soil & agri-

culture unfit men for the sea. The pride & enterprise of New Englanders make them a commercial people. Texas will afford the cargoes. N. England the vessels. Five hundred miles of sea coast on the Gulf falls into your hands. You then have the *entire command of the Gulf*. Let the opportunity slip, & the trident of this important sea passes into the hands of England. *Now*, there is a few miles, a little stream of three hundred yards in width, & an imaginary line forming the southwestern boundary of the U S. Admit Texas & you have a boundary formed by Nature—a desert of a hundred miles in width running parallel with the Rio del Norte till both are lost in the lofty peaks of the Cordilleras, at which Hannibal would shudder & Bonapart grow faint in crossing.

Mother has just told me to say to you that she will be most happy to see you in Texas at her house when you have completed your studies. Remember me affectionately to Hedges & Buckingham.

G M B.

Dear Rud I have written hastily & with little method. I trust however you will be enabled to make out my meaning. I write not "for effect." To *you* I always speak my mind, & the opinions expressed on annexation I really entertain. Will you come over to my side & use your *pen & voice* for our *native land & my adopted country*.

Yours as ever

Guy

Rutherford B. Hayes Esqr
Student at Law Harvard University
Cambridge, Massachusetts.

BRYAN TO HAYS

Little Rock Ark May 31st 1844

My Dear Rud

Don't you owe me a letter? I think you do. It is time to pay up. But where will it reach me if you should write, that is a question hard for me to answer just at this time. But if you will write me as soon as you get this, and direct to Wytheville, Wythe Co., Virginia, I think I will get your letter.

Has not my prophecy in reference to Annexation been verified? Is it not riding over all other questions? Wherever I have been

the people are strong for *immediate* annexation; N. Orleans and La. is strong for it, so is Arkansas. I speak of these states because I have been in both of them. If the U S does not annex Texas soon, it will be lost to her forever, or if she ever gets it, it will be by conquest. Why? European population is increasing so rapidly, that within 18 months or two years, they will rule at the ballot box; the Constitution requires but 6 months residence for citizenship. Again Texas will form strict treaties with England, if we are not annexed. There is no choice, our necessities demand a change, & connection with England will fill our purses sooner than annexation, if we are not annexed & that right soon. I go with the people of Texas for Treaties of the strictest alliance with England. We are tired of poverty in Texas, & a change we will have.

Well, Rud, I am in the land of Stars & Stripes once more, and would that I could say it is my own, the land of my citizenship. I am detained here on business. How long I shall remain in this state I cannot now tell. I hope to leave for Va. next week, but I am fearful I cannot within that term get my business in such a train as to leave it with my agents. I go hence for Va. I will be detained six days or less time in Wythe Co. where I have a suit now pending and from thence to Richmond & Washington City. I may be detained in Va. in and around Richmond five or six weeks. I want to get on to Kenyon College before I return, and if I am not detained in Va. too long (for I must leave for Texas in Oct.) I shall visit my old & true friends at Kenyon and in the State of Ohio. I am truly anxious to see you Rud my old friend, and cannot we meet somewhere before I leave for my distant home? . . .

I would like to reach Washington before Congress adjourns, for I hope the Texas question will be brought up on the return of the special commission sent to Mexico by Tyler. If I should go there I will inform you beforehand and will you meet me in the capitol of your nation? Rud, I am most anxious to see you and if you can possibly leave your studies will you not meet me, either in Washington or elsewhere before I return? When do you return to Ohio? Where will you settle? You must make me a visit to Texas before you settle down. If your studies are completed when I return, will you not return with me? Your Uncle Birchard

can then also make his promised visit to Texas and spend the fall and winter. Write to him on the subject and get his opinion. I hope you will both conclude to go with me.

Arkansas, Red, White & Miss. rivers are all of them over their banks, ruining crops, plantations and drowning cattle, &c.

In haste, your friend ever

Guy M Bryan

Rutherford B Hayes Esq
Student at Law Harvard College
Massachusetts

BRYAN TO HAYS

Wytheville Va July 1st 1844

Dear Rud

Your most warlike, threatening & anti Texas letter you have ever written or I read came to hand yesterday, (or rather I came to hand, for it has been awaiting me some days). In it I do not recognize the friend of my heart, the companion of my school days and why? because he has turned *Bully*. Ye winds blow it and hills echo it, that Hayes, Rud Hayes, the plain strait forward Hayes has forgot the *old* paths and in the plenitude of legal success (for I understand he is reputed "to be the smartest young man in the *law* school") and in the culmination of his genius, has become a threatener, a *bully*. Listen to what he says, "If you treat with her (England) on fair terms, conclude a treaty not unfairly prejudicial to our rights, why God bless the little Republic. I hope she will do it. But, if on the other hand the arrangement with England is *hostile* to *our* interests and rights, why *we* shall show you the difference between *fighting* Mexicans and fighting *Yankees*, and if Britain interferes, with the help of France, I think *we* would send the lion limping back to his haunts and as for 'the lone Star' it will either veil its face or in future only 'ray out darkness.'" How constant you Whigs are. You say in the first place annexation *now* would violate your faith to Mexico, "would be an act of *injustice* to Mexico." Grant that it would be to Mexico all that you say it would, where does it bring you? To this, that you compel Texas to remain a Nation, and yet you will not permit her to make her own laws. Consistency is a jewel. Texas is too weak to sustain an independent government. There

is no nation that she can contend with except one, and that one is Mexico. She would live but at the *mercy* of other nations. Consequently she would make such an alliance with England as *her own* prosperity would require, not that of the U. S., and things are so constituted that *that* which would prosper Texas would ruin the planters of the U. S. The necessities of Texas compel her to ally herself with England, and if you reject us the time will come when you will give millions to get us. You speak of disunion &c. I hope the U. S. will *forever* remain *united*. The North will *never* draw off, if there is a separation it will result from the withdrawal of the South. The *North* would be too great a sufferer by separation *ever* to *really* withdraw, however much she may *talk* about it. Withdraw! and what would become of N. England? Your vessels would *rot* in the harbours. Your manufactories would cease their busy hum, and your store houses would become vacant and closed. The South holds your destinies in her hands. The cause is given in the short sentence, *You cannot make cotton*. I state one of the *smallest* items of the benefit the North receives from the South, when I say that N. England alone last year reaped from carrying in her bottoms Southern cotton to Europe \$14,000,000. I do not notice the five hundred thousand bales consumed by N. England, the market the South affords for her manufactures, &c, &c, and will not annexation increase these benefits and *strengthen* Union? Most certainly! Talk not of *disunion*. No true American will entertain the idea. *Sever* the Union! How will you *part* the *past* and divide the present recollections and interests? Not a spear of grass or stalk of cane or boll of cotton that grows in the South, but that the North has an equal interest in them with the South. Not a vessel of the North that spreads her canvas to the winds but has felt the touch or borne the burden of the bale or the hog-head of the South. Not a Southerner but has trampled under foot, sported on his back, encased his head in, or carried in his belly the manufactures of the North. The North and the South are *one* they were coeval in birth and let them be coexistent in time. But Texas is part and parcel of the South and she claims with justice, too, to be admitted into the Union. You *must* take us, you can't do without us. While you consult the interest of the North don't forget that of the South, but I maintain that an-

nexation is of more benefit to the North than the South and when we meet I will prove it to you.

I am sorry that Trow's eyes are still weak. I can *feel* for him, for weak eyes have blighted my prospect and clouded the horizon of my future. Oh, how I would delight to grasp the hand of old Trow.* I will write you from Richmond, and let me know what time you will be in N. York and direct to Washington and I may meet you in N. York. Give me your address. Write immediately on receipt of this. At any rate we will meet in Ohio and won't we have glorious times? Love to Trow.

Yours as ever

Guy

Rutherford B Hayes
Student at Law Harvard University
Massachusetts

BRYAN TO HAYS

Peach Point Nov 18th, '47

My dear friend

Your welcome letter of ——— was received not long since, but owing to press of business I have been unable to write you as soon as my inclination prompted. I have been busy in canvassing the county of Brazoria. I have been elected to the Legislature for two years. I had no idea of running till two weeks previous to the election, was then overpersuaded by friends and consented to stand a poll for the Lower House; two members were to be chosen and I had the satisfaction of leading the van. Had I come out sooner I would have polled a much larger vote, for many of my warm friends who electioneered for me, voted against me on account of being *pledged* to the others before I came out. I am satisfied with the result, for considering the lateness of the hour in which I came out and my inability to canvass the whole county, I did well. I was solicited frequently during the summer to become a candidate but always declined, on account of disinclination to embark in politics and a knowledge that I could not be at home but a short time during the canvass. We had on the same day an election for Gov., Lieu. Gov., & Senator. These did not elicit the interest that the election for Reps. did. The latter excited great

*Rowland E. Trowbridge, of Michigan.

interest among the friends of the respective candidates and electioneering was carried on actively and warmly, some fighting and a great deal of drinking. The principal charge brought against me was, "I was too aristocratic to *treat* and drink with common people." I declared at the outset that I should not yield to the common practise of treating. I lost some votes by not doing so, but I have the approbation of my own conscience and that of all the good men of the county and the satisfaction of knowing that I was elected without a departure from principles that governed me before I was a candidate.

I do not know how you will like the plunge I have made in the muddy sea of politics. I will try and keep clear of the slime. I know it will require watchfulness to prevent it sticking. I shall keep *duty* my polar star and *right* as my guide. I enter under the banner "Do your duty and fear no man." As long as I march under that banner, a clear conscience will prepare me for any consequences. I am better fitted for the world (from a better knowledge of it) than when we last met. I am not so sensitive and more tolerant. Whether I shall remain long in politics depends upon the experience of the first session and the sovereigns.

I hope, most fondly I hope that you will come out this winter. You will be greeted here (by those who have never seen you) as an old and long valued friend. My family *all* of them know you, and when you come and tell them you are *Hayes*, you pronounce a spell word that will bring from each their heart in their hand when they bid you *welcome*. Stephen may be at home when you arrive. If not, just tell who you are and that is sufficient. I will be at Austin, but stay as long as you like with the family and then hasten my dear friend to the arms of one who loves you as a brother and who anxiously awaits your coming at Austin. Mother says she recollects you in Ohio when she visited me in '40. She is anxious to see *the friends* of her son Guy. You will see a beautiful country about Austin, much in a state of nature, but most beautiful to your eye from that fact. We live about 8 miles from Velasco (the mouth of the Brazos). You will come to Galveston from N. Orleans, and there take the stage for Velasco. Inquire for Jas. F. Perry's plantation. Anybody can tell you in Galveston. If you prefer coming direct to me at Austin, you can go to Houston from Galveston and from thence come in stage to

Austin. I would advise you first however to go to the plantation on the Brazos. The yellow fever has raged with some violence in Galveston this summer and has not yet left off his ravages. The deaths have been mostly confined to the German emigrants and to "new comers." Cold weather will put to flight Yellow Jack and by the time you get there, he will have given both Orleans and Galveston a respite. You must not disappoint me dear Rud. I have set my heart upon your coming and come you *must*. You can leave now and if you postpone you may never come. It is worth a trip to Texas to see it, to say nothing of myself. I *set you down as coming*. I shall leave for Austin on the 1st of December. The Legislature meets on the 13th. We will have up some interesting questions by the time you get here, the public debt and public domain. I wish you would send me by mail (as soon as you can) all the information you can get relative to penitentiaries. The question of erecting a penitentiary will come up this session. I am most anxious for the immediate erection of one in our state, and wish to get all the information on the subject that is in my reach, in order to be well fortified on this, my favorite measure of the session. You will much oblige me by *prompt* attention to this request. Direct to me at Austin.

The family are all well. I expect Stephen will turn his attention from this time forth to planting. My youngest brother Henry will be prepared to enter college in Sept. I want you to write me your opinion of the best college in the U S and of Cambridge and Yale in the event of your not coming. Very best regards to your Uncle, Mother, Sister and Mr. Platt and all friends.

Yours ever

Guy M B

BRYAN TO HAYES

Peach Point May 12th 1848

My Dear Rud

Did we not know each other so well and feel for each other so truly I would apologize for not answering your letter sooner. But that I need not do for my heart is the same as ever. The Legislature adjourned in a row on "the apportionment bill" on the 20th ultimo. I am better pleased that I expected with legislation, and may go back when my term (2 years) expires, *provided* the sover-

eigns will it. I made some capital during the session and a speech on a land bill that has given me some notoriety. I neither drank, swore nor gambled and was the "littlest" member in the Legislature which also attracted some attention. I am in my estimation a man of very great consequence and am surprised I did not find it out before. I am not married and have no idea of getting married. How the report that I was married reached Ohio is more than I can divine. There are many young ladies in Texas worthy of any man, but I do not feel disposed to try "the happy state" as yet. I may do so some of these days. I sometimes think I have got up sufficient steam, but on examination of myself I find that I am mistaken and I only thought I was in love. A woman that I should be willing to call wife must be something more than *very sensible* she must be *good*. The union is hard to find. I like the sex, and believe I would make a good husband, but like religion I put it off.

I will write you again in a few days a long letter. This is merely to keep you in humor with me, it is a herald of something better. I would have given five years of my life to have seen you last winter. Rud, the longer I stay away from you the more I like you. You must come and see me.

What do you say to Revolution and Reform in the world?

Yours ever

Guy M Bryan

Rutherford B Hayes Esq
Lower Sandusky Ohio

BRYAN TO HAYES

Brazoria Oct. 13th '48

My Dear Rud

I have just received your last letter & hasten to answer you briefly. I am now on my way to Austin (not to attend the Legislature. I do not expect there will be a session this winter) and shall be at home in about a month. I do then hope to remain there until you come. My dear friend I cannot express the pleasure I shall experience in meeting you again. I shall most anxiously await the arrival of yourself and Uncle. We will have some fine times together. Probably Geo. Jones will accompany you. I should be glad to see him in our *new country*. I have given my

family to understand that you and your uncle will certainly be here in Dec. or Jan. Come you must. I wrote a few days since and directed to Columbus. I shall direct this to Sandusky.

Yours ever

Guy M Bryan

PS. I have told the girls and especially *Miss J*——— to set their cap for you.

Rutherford B Hayes Esq
Lower Sandusky Ohio

BRYAN TO HAYES

Gulf Prairie P. O. Peach Point
May 13th, '49

My Dear Rud

Your welcome epistle found me here on today. I have just returned from an electioneering tour. *James H. Bell* is my opponent in this county and Maj. Howard from Fort Bend Co. The latter was induced to come out in consequence of the hope that the division of the vote in this county between Bell and myself will enable him to run in by concentrating the vote of Fort Bend upon himself. This however he cannot do. The race will be a well contested and exciting one. I think my prospects are good. Bell has given me notice that he will *publicly* attack my vote on "the McKenney bill." I am to meet him tomorrow, and fix a day to meet him in Richmond where he is to prefer his charges and I make my defense. During Court (last week) we were both called out and made speeches, also the candidate for Lieut. Gov. My friends say I need not fear to meet him. I *do not fear him* on the stump. Shortly after you left, I called upon him to ascertain whether he would run. He said not,—said he had had some idea of doing so, but would not run against me, placed his declination upon the grounds of our friendly relations &c. A week or 10 days after he told me he wished to be released from the promise made to me. I told him his promise was voluntarily made and placed upon feeling, and if his *feelings* inclined him to run to do so, it was a matter upon which I could say nothing advisory as I was too much interested. He has I think become alarmed and told me yesterday he should attack me on the vote before men-

tioned. I do not fear him but I really regret on account of personal friendships, that he has determined to pursue this course. I will inform you from time to time of my progress. We are all well. I am afraid the cholera will spread over the country. I think however the chief mischief will be confined to the towns—San Antonio at this time is suffering greatly from it. The number of deaths there has been as high as 25 a day. Most of the population has fled from the place to the Ranches on the Cibola and below the town.

We are grateful to you and your good Uncle for your kindness to Lavinia. Your Uncle became a favorite with all the family while here and most frequently they speak of him and you. *I deeply regret* that I was in the worst possible state of mind for sociability when you were here, and I know that you and your Uncle had cause at times to complain of me. *You know but imperfectly the extent and depth of my derangement of mind & —.* Your Uncle however is too good to retain anything but pleasant recollections of anybody or things seen in Texas. I hope to see you both here again; I am anxious that you should come. I am glad that you were pleased with Texas. I am glad to *hear of the health of the city toward the Lunatic Asylum. The Brazos remains in as disturbed a condition as when you left, indeed there has been no change for the better. I have grown independent and shall be prepared for defeat. You know there is great uncertainty in elections.*

Your Uncle promised to write to me. Tell him I would be highly gratified to hear from him for I am really attached to him. Mr. Perry received a letter from him while in N. Orleans. *Mr. Sam Harris* showed me his card a few days since and spoke of him as one whom he liked—his jokes, &c. &c. Tell him he must come back next winter and take a drink at another spring. We have one here that *"will polish his manners."* The family all send their regards. No marriages and no deaths among friends here. Give my very best regards to your Mother, Mr. & Mrs. Platt and shake your Uncle truly by the hand for me.

Yours sincerely, as ever

Guy M Bryan

EARLY IRRIGATION IN TEXAS

EDWIN P. ARNESON

Irrigation is the art of watering crops by artificial means. The earliest known practice of this art in Texas took place in the extreme western part of the state. In the present El Paso region are irrigation ditches that were dug by the Indians under the direction of the Spanish padres as early as the latter half of the seventeenth century. Many of these old canals can easily be traced today. Near Ysleta, below El Paso, are several irrigation systems, which were built by the Pueblo Indians after 1680, in which year, as a result of the great Indian rebellion in New Mexico, the Ysleta pueblos were located at the present Ysleta, Texas. These irrigation systems have been used continuously since then.

However, the native Texas Indian was no empire builder, and as an independent worker he was not a great factor in the permanent conquering of the arid wilderness of Texas. The Spaniard was destined to do that. And he was particularly fitted for the task. The conquistadores, who exploited the Spanish Main, were, for the most part, recruited from that central plateau of Spain, endeared to the readers of *Don Quixote* as "La Mancha." "La Mancha" means the Blot. It is an extremely dry country which is able to support its population only when the utmost care is exercised in the conservation and use of the scanty rainfall. Respect for water is bred in the bone of the Spaniard, and, while his profession may have been arms abroad, his occupation at home was agriculture.

It is a far cry from the Mission canals and fields of San Antonio to Cordoba, to Yemen, and to Bagdad. Yet, that retraces, roughly, the steps by which the semi-arid vicinity of San Antonio became a garden spot. The word *acequia*, which is constantly encountered in studying the mission period of Texas history, is an old Arabic word, now good Spanish, meaning canal. Main Avenue in San Antonio was once called Acequia Street. A number of practices and customs employed in irrigation at present in West Texas are traceable to Moorish sources. Through centuries of contact the Spaniards acquired, to some extent, the Moors' remark-

able skill in husbandry and their almost perfect efficiency in the diversion and distribution of water for irrigation.

Now, on the success of irrigation depended greatly the outcome of the critical situation that the Spaniard faced in Texas in the eighteenth century. Texas was a buffer state, an outlying province, which lay across the path of France pursuing her designs on the riches of Mexico. To combat this menace the policy of Spain aimed at bringing about the strict exclusion of aliens, the establishment of military posts of defense, and the conversion of the Indians into Christian allies. The Franciscan missionaries undertook the last task.

In carrying out this policy of patrol and conversion the posts and missions in Texas were to be supported from the far-off base of Saltillo in Mexico. This long, uncertain line of communications was constantly being broken by hostile tribes, so it early became apparent that, if the outposts were to be successfully maintained, they had to be made self-supporting. Accordingly, we find documentary records of much shifting and moving about of posts and missions in search of sites where they could support themselves through agriculture by irrigation.

In this search for water the provincial governors, under whose authority settlements were made, customarily sent out engineers to report on the feasibility of the projects under consideration and to submit estimates of cost of building dams and *acequias*. The authorities followed this procedure so closely that the availability of water for irrigation governed the location of settlements even in East Texas, where the rainfall was sufficient to assure crops.

Their projects were well distributed over the dryer portion of the state. Mention has already been made of the irrigation systems along the Rio Grande below El Paso. These old canals were dug by the Indians under the direction of the Spaniards, and the three thousand acres that they watered became famous for orchards and vineyards. The dam that took the water from the river was a makeshift affair which was washed out annually by May and June floods. An effort was made in 1754 to collect a tax of fifty cents a hundred vines for building a permanent dam. Although there were 250,000 vines in the valley the owners claimed they were too poor to stand the assessment and the project fell through.

The site of the Mission Rosario, about four miles upstream from the present city of Goliad, was chosen for the possibilities it supposedly offered for irrigation. In 1756 a report was made that a dam of lime and stone, forty varas long and four varas high, had been built across an arroyo and the digging of the canals was under way. But, in 1768 Father Solis reported that, "the mission has fields of crops which depend upon rainfall, for water can not be got from the river since it has very high and steep banks, nor from anywhere else, since there is no other place to get it from."

The Mission Espiritu Santo, during its sojourn on the Guadalupe River, also failed in its attempt in 1736 to build a dam across that stream for diverting water for irrigation, and agriculture by rainfall was employed with some success.

On the San Saba River a mission was founded in 1757, but due to Comanche depredations was abandoned in 1768. At some time within these dates were built a dam and a canal. The latter skirted the hills on the south side of the river one-half mile above Menardville; the remains of the old canal are easily traceable today.

Two missions were founded in 1762 in the Nueces River Canyon; one, Mission Candelaria, near the present town of Montel, the other, San Lorenzo, some twelve miles upstream near Camp Wood. Both had irrigation ditches fed by springs, according to Mr. G. K. Chinn of Uvalde. He states that in 1870 the original masonry headgates existed. He was told then by old residents that in the early "forties" signs existed of the irrigated furrows, cultivated by the missionaries about 1769. These missions were abandoned after a short, precarious life.

Near Rockdale, on the San Gabriel River, the Mission San Xavier was established in 1746. Four years later construction was begun on a dam and its accompanying canal. Vestiges of both were found in recent years by Mr. Herbert E. Bolton in his search for the site of the old mission.

It is in San Antonio and its vicinity, however, that we find the best works of Spanish irrigation engineers in Texas. They seem to have exhausted the possibilities of this region and at least one of the seven enterprises undertaken, the San Pedro ditch, is a model of intelligent canal location.

The oldest of the San Antonio canals was the Concepción, or Pajalache, constructed in 1729. Its dam stood about five feet high

and had its site near the present Mill Bridge. The canal was in about fifteen feet of cutting for a considerable distance before it emerged near the surface of the ground. Its route approximately ran along Garden and Roosevelt Streets, thence to the Concepción Mission and its lands. This was the largest of the old *acequias* and tradition has it that the padres used a boat for transportation on its waters to and from the mission and for the work of maintaining the canal. It was abandoned in 1869 after 140 years of service.

The San Pedro ditch was commenced in 1738 to furnish water for the Villa Capital de San Fernando as well as for irrigation. It was some six feet wide and two feet deep, four miles long, and irrigated about 400 acres of land. Its headgate was at San Pedro Springs and its course was about that of North Flores Street, west side of Main Plaza, and thence along the divide between the river and San Pedro Creek. Its admirable location down this ridge left it free from the cross-drainage that was a never-ending source of trouble for the other ditches. The discerning engineer who conceived the project saw the great advantage that this *acequia* would possess in being able to water lands on both sides. All the other San Antonio canals, for the greater part of their length, were dug along the sides of hills or slopes. The San Pedro *acequia*, moreover, is of romantic interest, in that it was the benevolent provider for the Canary Islanders, that small nucleus of people about which the modern city of San Antonio has grown.

The Alamo Madre ditch was dug between the dates 1718 and 1744. It took water from the San Antonio River above Brackenridge Park, skirted along the hills of River Avenue, eventually crossing the Concepción ditch near South Alamo and Garden Streets. Its length is placed at six miles and it irrigated 900 acres of land belonging to the Alamo Mission. When the East Texas Missions at Los Adaes were abolished the converts were brought to San Antonio and given plots of ground along the Alamo Madre.

The Upper Labor *acequia* was started in 1776. Its headworks were also at the head of the river. From there it ran along Jones Avenue, around Tobin Hill, crossing Main Avenue between Maple and Camden Streets, and emptied into the San Pedro Creek at Laurel Street. The Upper Labor canal commanded some 600

acres of land lying between the river and the San Pedro north of Houston Street. This project was a civilian undertaking in which the missions had no interests.

The canal that watered the lands of the San José Mission was built around 1730. Its diversion point was a short distance below the mouth of the San Pedro Creek. For 130 years this ditch served some 600 acres of land lying on the west side of the river. The repeated washing out of the diversion dam led finally to the abandonment of the entire project in 1860.

The San Juan Canal was dug in 1731 for irrigating the farms of the Fourth Mission, about 500 acres in area. The ditch began on the east side of the river opposite the San José ruins. This canal is still in vigorous use.

The last *acequia* on the river below San Antonio is that which furnished water for the Espada Mission lands and continues to do so today. The canal is about five feet wide on the bottom, carries ten second feet of water, is around three miles in length and cares for 400 acres of land. The Espada ditch has its dam and head-works near the upper end of the Mission Burial Park.

A study of the old Spanish ditches arouses an interest in how and by whose hands they were made. The usual explanation of their origin is to credit the labor to the Indians, working under the direction of the Franciscan monks. It has been said that the good friars made use of this method for teaching the neophytes that not by faith alone but by works should they be saved.

When the mission on the San Gabriel River was about to be launched, Fray Mariano, the guiding genius of that spiritual project, wrote detailed instructions to his subordinates as to how the irrigating ditch and dam should be constructed. Fray Mariano had lived at the San Antonio missions as their president for the twenty years previous and it was during his regime there that most of the mission canals were dug. Consequently, his instructions for the San Xavier work represent the result of his great experience in similar undertakings and cast a light on the methods employed at San Antonio. The following is quoted from Bolton's "Texas in the Middle Eighteenth Century":

"It was of first importance to open the irrigating ditches, in order, even in case of drought, to assure each Indian of a full stomach, 'which,' he said, 'is the God to whom these miserable

creatures pay the tribute of their hardest labor.' With a view to determining the location and course of the ditch he several times examined the river, and concluded that the best opportunity for opening a channel was through the arroyo near the garrison called by him San Francisco, since the arroyo itself would serve for a goodly portion of the ditch, which could be continued easily through the fields of Mission Candelaria to the neighborhood of all three pueblos. This one ditch, he concluded, would serve for all the missions, since it could be made to irrigate a stretch of untimbered land more than a league in length and half a league in breadth.

"On October 12 he formally made known his plans to the missionaries, reminding them that since all were of one brotherhood and were working towards the same end, they should not object to the common use of a single irrigating plant. This done, he proceeded to order the ministers to be prepared to assist in the work on the fifteenth, each mission providing as many yokes of oxen as it might have, seven bars, fifteen picks, four axes, and one cauldron. In excess of the regular rations, which would be continued, each mission was asked to provide each week during the continuance of the work, a tierce, or half a mule load, of salt, six bulls for slaughter, two handfuls of tobacco, and whatever else was possible. Fray Mariano promised to provide for distribution each day a fanega, or two hundred pounds, of hominy. All of the ladinos, or instructed Indians, must be sure to be on hand, to assist in giving instruction to the bozales or untrained neophytes. Since Fray Mariano had many other duties to attend to, both at San Xavier and at San Antonio, he appointed Father Ganzabal, superintendent of the work, with the duty of assigning the tasks and taking care of the tools and supplies. To the order formal obedience was given on the same day by Fathers Ganzabal, of Mission San Ildefonso, Joseph Anda y Altamirano, of Mission San Xavier, and Acisclos Valverde and Bartolme Garcia, of Mission Candelaria. Father Ganzabal, in giving obedience, called Fray Mariano's attention to the fact that though his mission was still without Indians, yet they might return, and he ought to be present in such an event to receive them.

"With this preface, Fray Mariano asked that one soldier be charged, during the work on the ditch, with caring for the tools,

and another with looking after the oxen sent to work on the ditch and to haul stone for the dam. Cerda was asked to give orders that the horses of the Indians be kept under guard so that the Indians could not flee or wander away, taking care that no soldier be allowed to mount the horses and thus anger the Indians; to send to each mission daily 'enough soldiers to cause respect,' and to set the Indians at work at the proper time and keep them at it. The missionaries, he said, would provide all the attractions possible in the way of extra food, but coercion must be left to the soldiers, 'since for the missionary fathers to assume the task would be to make themselves odious to the Indians, which is a serious impediment to their receiving the faith, and, besides, few would go, and there is risk that they would lose respect, because of their bad instruction up to the present.' Cerda was asked to give orders that the soldiers keep guard by night to prevent nocturnal flights. When buffalo should appear in sight, soldiers must go with the Indians to pursue them, to insure the return of the Indians. Finally, the soldiers must be required to instruct the Indians in their work."

Such was the construction program of 1750.

Twenty-six years later we find a different system for canal building, as applied in the digging of the Upper Labor ditch. At that time some citizens of Bexar wished to develop the land lying between the San Antonio River and the San Pedro Creek by bringing a canal along a route already described, and besought the provincial governor for the right so to do. After recognizing the prior rights of the missions and finding, upon investigation, that there was water to spare he issued an ordinance directing how the work should proceed. All who were interested were ordered to bring tools and help in the labor under the superintendence of an experienced canal builder. This individual was to be elected by the shareholders of the venture. Width and depth of ditch were specified, masonry gates were stipulated and other recommendations were made. After considerable delay, due to litigation and other causes, the canal was at last ready for the delivery of water. Whereupon the irrigable land was distributed among the shareholders. This was done by the drawing of lots, as specified by law.

Ordinarily the land under irrigation was divided into units or lots of such sizes that each could be watered in one day when

using the entire flow of the *acequia* for that time. The land units were given numbers and a drawing took place among the rightful applicants. The resulting award of chance was called a "suerte," meaning luck, and the land units themselves thereby became known as "suertes." They varied in area, depending upon the capacity of the ditch and the topography of the farms. Authorized inspectors studied each irrigable tract and determined what size it should be in order to fit the amount of water deliverable. Many old deeds warrant title to one day of water and its corresponding land. This system of distribution of water and land is of Moorish origin. The Moorish water masters made the determination of the duty of water a fine art and had as many as 225 different classifications for plots of land or quantity of water, varying by degrees of soil fertility, topographic slope, crop suitability, etc. It is believed that relics of such classifying terms exist among the Mexicans of today who refer to definite areas of land or quantities of water when they say, *surco de agua*, *buey de agua*, *naranja de agua*, *manzana de agua*.

When the crown granted irrigable lands to settlers it demanded, as a consideration, that each owner should agree to keep clean and in good repair his section of the ditch, sluices, gates, and should keep always in readiness one horse with arms and ammunition to repel the enemies of the king. An interesting ceremony took place when the "suerte" holder received his farm. The governor, or his deputy, took the new settler by the hand and led him about the plot of ground he was to be granted and caused him to pull up weeds and stones and throw them to the four winds. By so doing the new owner was taking actual possession before witnesses and was performing acts that only a rightful owner could legally do. Penalties were provided for such misdemeanors as fouling or obstructing the ditches, stealing water or the taking of it out of turn.

No records are known to the writer that describe the actual staking out of the ditches on the ground. Tradition says that for leveling and ascertaining the grades of canals, the monks used a frame in the shape of an equilateral triangle, with a plumb line hanging from the apex. The grade of the Espada ditch is reported by A. Y. Walton as having been 18 inches to the mile. Those who laid out the *acequias* appear to have been slaves to the

grade contour, for in many places no reasons are clear today why the location should not have cut through a ridge instead of going the long way round a hill. The levees, which form the banks of the canals, strike one as being unnecessarily high and steep. This is explained by the fact that, every spring when the ditches were cleaned out, the Mexican farmers followed the practice of tossing the accumulated silt out upon the canal banks, thus causing them each year to increase in height. The tools used for removing the silt were paddle-like shovels made of walnut. This material was chosen for the ease with which the sticky mud left the surface of the paddle.

The dams of the better type were of mortar and stone, but more often they were of loose rock and brush construction, which, in most cases, necessitated constant repair. The diversion dam for the Espada ditch was built of flag stones laid one on the other and having for foundation a natural stone ledge. The lime salts, carried by the water, have been deposited to such extent that the crevices among the stones have been filled and a solid dam exists today.

The Espada ditch has another noteworthy structure in its stone aqueduct. The exact date of its construction is not known, but it was probably built at the time of the ditch. The aqueduct crosses an *arroyo* with two arches of solid masonry. The middle pier is almost as wide as the span of an arch, which is about twelve feet. This great thickness of pier suggests the old Roman rule of making the width, or thickness, of piers one-third the arch span. The aqueduct is well worth visiting. It presents a venerable appearance and has withstood many a flood in the *arroyo*, some of which have topped the structure as much as six feet. There are legends current among the residents of the vicinity that explain the excellence of the masonry by saying that into the mortar were mixed the whites of thousands of eggs and much goat milk.

The crossing of canals over small gulleys, or over other canals, was usually accomplished by the use of *canoas*. These were hollowed out logs, as the name suggests, through which the water flowed.

Small water courses, carrying storm waters, were frequently allowed to empty directly into the canal. When this was done,

however, a masonry wall, or wasteway, was provided in the lower bank of sufficient size to permit all the storm water to spill over at that point, thereby not endangering the canal with wholesale washouts.

The water-wheel was another irrigating device which, in its multiplicity, added to the picturesqueness of San Antonio in the old days. These wheels were installed in the canals themselves. They were of the undershot kind and had trough-like buckets fixed at intervals around the periphery. The energy of the water flowing in the *acequia* was utilized to turn these wheels, and so to lift water for irrigating plots of ground lying higher than the canal itself. Here again we detect the hand of the Moors. For, it was that people who had originally appropriated the old Persian wheel with rows of jars on its circumference and had taught its use to the Spaniards.

About 1790 the missions of San Antonio were secularized. The spiritual guardianship of the community was entrusted to the parish church at Bexar; the canals and the farms they watered became the property of the converted Indians and the settlers; while the missions fell into ruins. The canals of the old padres have now nearly all disappeared, but, where the encroachments of modern times have not entirely obliterated them, we still find, here and there, two parallel mounds of earth tracing the course of the earliest furrows of civilization in Texas.

We see that the original policy of Imperial Spain with respect to Texas practically failed. The noble efforts of the Franciscans to convert the Indians to the faith, having been always attended by great discouragements, ended at last in dismal failure. But not so their enterprises in irrigation, for the net result of their agricultural engineering can be called a success. The missionaries solved the problem of surviving in the arid Southwest by digging their *acequias*. That problem is fundamentally the same today. The Spanish pioneers, two centuries ago, pointed the only way by which Southwest Texas may hope to become a populous land.

JOURNAL OF LEWIS BIRDSALL HARRIS, 1836-1842

What a tumult of ideas floated through my brain as I landed at the levee of this city connected in my mind with yellow fever and death for it was here that my father died of that dread disease and here his remains now rested but where I knew not and do not know how to look for them. What a busy scene the levee is, the water front presents all busy loading and unloading innumerable steamers, Negroes singing draymen yelling, sailors crying their sailor cries. All new to me as this is my first visit to a seaport city and the confusion is enough to drive one crazy. There are about 2000 drays constantly employed hauling all kinds of Merchandize to and from all kinds of crafts from immense sea going Ships and great Mississippi river Steamers to small boats plying on the river. The landing was so filled with Steam boats that it was several hours before we could land and then I had my trunk and valise put aboard of a carriage with one horse and taken to a Hotel where I found myself in this great city swarming with humanity and so foreign in all its surroundings that it seemed like being in a foreign country and for the first time I felt lonely. My first enquiries were of course about Texas and the answers were by no means reassuring. The news was that the Alamo at San Antonio containing Col. Travis Col. David Crockett and nearly 200 men had been taken by the Mexicans on the 6th of March and all had been slaughtered, and in a few days the news came by Col. Fisher that Fannin with his whole force had surrendered to Santa Anna as prisoners of war and that all the prisoners had been slaughtered in cold blood by order of Santa Anna, that the Texans and Houston were retreating before Santa Anna's victorious army and the people were fleeing from the country by every means at hand. I found that there was a small schooner that had been chartered by Wm. Bryan a friend of Texas and that she would sail for Galveston as soon as a sufficient number of volunteers would come forward to man her. I immediately put my name down as one and waited patiently as I could for the necessary number to be made up, and in the mean time looked around the city as well as I could, as I suffered intensely during my whole stay with neuralgia in my face and teeth.

I found a few very excellent buildings and some very fine ones building. The stores are principally built with open fronts supported by stone columns which make a very pretty appearance. The St. Charles Theatre and Exchange are handsome buildings. At the St. Chas theatre they brought about 30 horses on the stage every thing was in splendid style but I did not like the acting very much. The news from Texas still continued of the gloomiest kind every day brought women and children by land and water who had run away from the Mexicans. Reports of the retreat of Houston this side of the Brazos and that the Mexicans would certainly overrun the country constantly came in and it was very difficult to get men enough to man our vessel, as no body knew whether we would find Galveston in the hands of the Mexicans or Texans. At last on the 13th of April we got about 25 men who agreed to go and I sent my traps on board cast my lot with the 20 odd as determined men as I have ever seen together before or since. The few acquaintances which I had made tried hard to dissuade me from going, saying that the Gulf of Mexico was swarming with Mexican Cruisers and that our little vessel would stand no show with a Mexican armed vessel and that even if we succeeded in running the gauntlet through them we would very likely find Galveston in the hands of the enemy and that it would be great odds against my finding my Mother and brother even if we succeeded in getting there, but anything was preferable to me rather than doing nothing and waiting.

Our vessel the lay nearly along side of the Mexican armed schooner the *Venus* a beautiful top sail schooner with a 12 pounder a long 9 and 6 six pounders and 40 men waiting to be put aboard at the Belise. We had with captain and crew about 30 men 2 six pounders and plenty of muskets and ammunition. It was said this Mexican schooner would follow us out.

On the 14th [April] we left the levee in the afternoon and dropped down to the Magazine and took in powder. I had a fine view of the N. O. Battleground and saw the tree under which Sir Edw Packingham breathed his last.

15th dropping down with the current but the wind was contrary and drove us frequently ashore. 16th passed the two forts on the river both handsome places. I took my first lesson as a sailor and climbed to the mast head to get a good view. We were now able to use our sails and beat down the river criss crossing

until we made our way out into the Gulf without a pilot and on the morning of the 17th I found myself for the first time on the broad Gulf but the water was still muddy. 18th the water begins to look blue but we had a calm nearly all day towards evening the wind blew fresh and we began to make real headway. 19th I came on deck in the morning and met a splendid scene, the waves ran high and we were tossed about like a feather on the broad deep all day, the wind blew hard and I sat up in the stern of the vessel in the moonlight until late at night and watched the effects of the moonlight on the mighty waves, and thought of the many past scenes and the friends I had left and the happy days I had spent with them. Would I ever see them again. would I ever reach my dear Mother and brother in that land now may be in the possession of that ruthless enemy. I would occasionally scan the sea to see whether the Venus or any of her tribe were after us, but nothing in sight. We went along merrily, the wind blew hard, some times we were tossed high up in the air on a huge wave and then sunk down in the trough of the sea as though to hide us from our enemies. The water was sometimes thrown all over the vessel and looked like liquid fire. I finally turned in. Next morning the 20 we saw land which we supposed was Galveston but it proved to be high Island Toward evening as we ran along the coast we saw sails ahead which proved to be vessels in Galveston When we got near enough we fired three guns and saw a Steam Boat in the bay coming towards us but she soon altered her course and went in an opposite direction very much to our disappointment and the captain fearing we would get in the breakers had to alter our course and run back some distance when we anchored.

21st. [April] Early in the morning I was awakened by the racket on deck and hurried up to ascertain the cause; Two sails were pointed out to me in the distance and the Capt. of the vessel was very much excited. We were in rather a fix We did not know whether Galveston was in the possession of friends or enemies, we thought the two armies must by this time have had a decisive battle but in whose favor it had terminated we had no means of knowing. If we were in a quandary, when we saw the two vessels making towards us the Capt. was in consternation when another hove in sight and soon after another, completely cutting us off. Who or what they were we did not know. One was certainly made out to

be the dreaded Venus by the terrified captain who said he knew her appearance well, and of course we judged if she was an enemy all the others were also. The Captain who I believe was the most scared of any on board was for running the vessel ashore. We would not allow him to do that and threatened if he undertook it to throw him over board—our little squad had elected a man by the name of Graham our Captain, who was as determined a man as ever walked. He was a good sailor too— We tried to prevail on the master of the vessel to get up his anchor but he would not and we determined to wait until we could make out what the vessels were and if they were enemies we would place our captain in Command of the vessel. There we were anchored on the tossing Gulf surrounded by vessels as likely to be friends as foes. No place of retreat except by running on a shore that might contain enemies or friends and be welcomed by fellow countrymen or by the minions of Santa Anna as more victims of his cruelty. We determined to abide the sea and take our chances with the vessels surrounding us let it be life or death— then it was I saw the true spirit of Americans break out. Never shall I forget that scene. Altho we could not know the actual danger we had every reason to expect the worst. Every man and boy (I was the youngest of the lot) pledged himself if attacked never to yield to the Mexicans “for,” said the captain of the little band “if you yield to them it will only be to swing at the yard-arm for the amusement of the d—d savages, as for me they shall never take Me alive” “Nor Me” “Nor Me” was echoed from all the band. The captain (Graham) had decided that if we were attacked we would immediately run foul of the nearest vessell and board with our muskets with fixed bayonets and try and get possession of the armed vessel and turn her guns on the enemy or escape by out sailing them. We each were prepared with 5 or 6 loaded muskets lying ready to be taken up and discharged as we should approach near enough to shoot down anyone who should show in sight, it was very exciting as we waited for developments and ran up the stars and stripes this was answered by the same flag appearing on the vessel nearest us. But we knew the treachery of the Mexicans and were not assured until she also run up the single star, then two of the other vessels followed suit and we knew we were with our friends and we up anchor and sailed for the harbor one of the vessels which proved to be a Texas armed

schooner sent us a pilot "Old Canty," who brought us into port and before we anchored a boat from the shore came aboard with a fine looking old gentleman evidently a Mexican, who proved to be Gen Lorenzo Zavala vice President of Texas, being so young I suppose I attracted his attention for he came and spoke to [me] and I asked him if he knew any one of my name and [he] said 'yes' he did and giving the name of my mother and brother. I told him who I was and the old man took [me] right in his arms and said "oh how astonished and delighted they will be, you must go right ashore with me in my boat." So ashore we went and walked arm in arm chatting as we went up to my Mothers tent. I did not look up until I got near, when my mother,—who had just remar[k]ed that Gen. Zavalla had found a friend— caught sight of my face and jumped and caught me and screamed "its Lew its Lew" and I was soon surrounded by a lot of her friends. My brother Clinton soon joined us and I felt happy. Here I found the "Government" consisting of President David G. Burnett, Gen Zavala and a few other officials and a small number of armed men so that our little band was quite an acquisition as we did not know where Houston's army was and the last that was heard of the Mexicans was that they were marching in two divisions, one in the interior and one on the coast the latter under Filasola who was at the mouth of the Brazos only about 40 miles from us, and might attack us at any time. I found them all camped in tents at the extreme eastern end of the Island which was a mere sand spit a few feet above the level of the water. The only drinking water was quite brackish, about a hundred men altogether was the only defense against an army.

We were all enrolled for duty and took our regular turn standing guard and patrolling the Island. I went on this duty at once and being furnished with a good horse rode back and forth across the Island for a distance of 15 miles towards the west end and remained out until day break when I was relieved—there was one apology for a house about a mile from the point which had been used as a custom house but was but a mere shell. it stood near where the house that was built by Lafitte out of mahogany logs on[c]e stood but which had been used for steamboat wood. I amused myself during the day by hearing the stories of my mother and the ladies with her most of whose husbands had been massacred by the

Mexicans after they had surrendered. Among them was Mrs. Captain Westover whose husband fell with Col. Fannin at Goliad, Mrs. Mather whose husband was killed at the same time—Mrs. Zavala the wife of the V. P. Miss Rebecca—afterwards Mrs. Cloud—and then we walked on the beach which was a beautiful beach and walked up to the house, the remains of Lafitte's ditches around his fort were still plainly to be seen. At night I either stood guard and to my rounds with my musket on my shoulder for 2 hours on and 4 off, crying every half hour "Alls well" or went on picket duty on horseback scouting through the Island to notify of the approach of an enemy. I had two men with me one a French man who could not understand a word I said. This was the 25th. I put the Frenchman in the middle of the Island and the other near the Bay while I kept the beach. In this order we went up about 14 miles but saw nothing and heard nothing but the mournful noise of the waves as they came rushing on the beach and occasionally the scream of some sea bird as it started frightened up before me and winged his way over the broad expanse of the Gulf. About 3 o'clock A. M. I turned back and reached the custom house where I found my fellow guards wrapped in their blankets enjoying a sweet sleep. I followed their example and rolled myself in my blanket and laid myself in an old cart and got a short nap before reporting at head quarters.

On the morning of the 26th, a man came ashore in a small boat—he afterwards proved to be Ben C. Franklin—and called out, "All who want to hear good news come to the Public tent" It was soon surrounded and we were told that Houston had given Santa Anna battle and had whipped him, killed 700 and taken as many prisoners, together with Santa Anna, Coss, Almonte and all the principal officers. the news was so good that we could hardly credit it until it was officially confirmed. About noon of the same day the alarm was given that 300 Mexican cavalry were coming down the Island not 5 miles off. every man was called to arms, and each one had his bayonet buckled on and his musket on his shoulder. I took my mother and the Battersons in a boat to the Steam Boat and hurried back to the expected scene of action—Nearer and nearer they were said to be coming and it would be but a few minutes before I would be for the first time engaged in mortal combat with my fellow man; it is a singular feeling for one who has just left

a peaceful land, but the memory of the recent atrocities of the Mexicans nerved the hearts of every one and I believe there was a real disappointment with a majority of the men when after waiting for some time they did not come. The courier who bro't the news of the battle said that Santa Anna had said that he should not wonder if the courier should find the Island occupied by Mejia's Cavalry as they were marching for the Island when he last heard from them, but they did not come, and our men did not have an opportunity to show what they were made of. Some of our own people had been mistaken for Mexicans.

It may be judged how I felt when the news came that the Mexicans were coming. I knew if it was true that I must have been very near their camp when I was 14 miles up the Island at 3 o'clock in the morning, but I did not believe it was true and said so, altho I knew it might be so, as being night I could not have seen them very far off. After everything became settled mother concluded to go back to Harrisburg on the Steam Boat which was going up then. So we went on board and slept that night and the 27th. got our things on board. 28th boat was detained 29th. the President came on board. Mother and Clinton endeavored to get an order for some sugar and coffee from the President but failed. I went to the President and told him that that sugar and coffee came over in the vessel that I did and it was contributed by the people of N. O. for those who needed it and we must have some and after a good many words he gave me the order and I gave it to my brother who remained behind in order to go to Anahuac for the goods Mother had left there when running from the Mexicans She had left Harrisburg—not long before the Mexicans took the place and burned it—on a little sloop which had taken her to Anahuac at the head of the eastern branch of the Bay there she had landed what few things she saved and walked down the Bay towards Galveston and was taken by a passing boat to Galveston where she was joined by my brother who had been sent on some Govt. service and where she found the Govt.

We run up the bay to Red Fish Bar where we lay all night. 30th went on up to the Camp of the Army on Buffalo Bayou opposite the Battle ground passed Zavala's house where there were 300 or 400 Mexican prisoners among whom were Gen Cos and a number of officers Gen Cos was standing on the bank looking at

us. When we were passing the prisoners at Zavalas the Capt. fired a cannon over their heads which made them almost fall to the ground.

When we arrived at Gen. Houston's camp I went on shore and up into the camp. I went into the small house where Santa Anna and Gen. Almonte were confined and well guarded, both to prevent Santa Anna's escape and to prevent his being assassinated. Some of the wives of those whom he had murdered in cold blood would have shot him if they ever could have had the opportunity. I saw him and Almonte with some servants. He looked very much cast down, both were rather fine looking men but I thought Almonte the finest looking. Santa Anna did not look to me like a great General or one to dictate to a nation. He was dressed in a Black frock Coat dark pants and military vest. I could not but reflect from what a height he had fallen. Now a humbled man before men, but a few short months before he was at the head of a nation a second Napoleon as he boasted, and was going to overrun Texas and leave it a barren waste, and now he was cooped up in a little hut a prisoner afraid of his life for he knew that after all his massacres of prisoners he rightly deserved death, his army also prisoners and made so by about one third of his own force of men poorly armed and no provisions except a little corn and beef that they gathered as they went.

Gen. Houston lay on his couch his wounded leg resting on a stool reading over letters, orders etc. which were constantly handed him. He was a great contrast to Santa Anna, a large powerfully built man with commanding features broad high forehead, gray hair and looks like a General. His dress was half Indian half frontiersman, altogether a very striking man. He was evidently suffering from his wounded leg as he was quite irritable and impatient.

One of the soldiers guided me over a portion of the battle ground which presented a horrible appearance in places where the fight was thickest—the Mexicans were unburied and lay where they fell scattered over a large expanse—one place they with a few dead horses filled a small stream or bayou where their bodies formed a bridge on which the Texans crossed over. Now they were more or less decomposed but not as much so as I would have supposed as the sun appeared to dry them up. Along the edge of the bay

many had tried to escape as their bodies were seen some mired in the mud others floating in the stagnant water. Altogether it was a ghastly sight and I was very willing to leave it. The Texans were a fair lot of Americans, such as could be gathered together in almost any part of the country, they were illy clad, without any pretense to uniform and carried all kinds of arms some shot guns some long and some short rifles carbines muskets, some with bayonets and some without. Some had pistols, some without, but they were all in good humor and justly proud of their achievements and when I told some of them how hard I had tried to be with them they said I was one of them.

I will here say that the Steamer which we saw when off Galveston was on its way up to meet Houston with what few men could be spared but they of course did not get there until after the battle.

May 1st. We proceeded in the Steamer up Buffalo Bayou which is a large handsome stream of tide water having many handsome situations on its banks. As we passed we saw a number of dead Mexicans floating in the stream with upturned black faces people laughing and talking about them with no more concern than tho' they had been dumb animals.

We arrived at Harrisburg or its remains, the place having been burned by the Mexicans but a short time before. It is a beautiful location the banks gently sloping down to the bayou and the woods all around filled with magnolia trees in full bloom. I went to work with the help of a man and put up a tent for the accommodation of mother and myself until we could go into a house—the only one in that part of the country—put up our tent on the banks of the bayou under a large magnolia tree.

2d. [May] Went out to the house in the prairie and took a look at it and at the ruins left by the burning of the place.

3d. Hired two or three negroes to pack our things out to the house and worked hard all day. The Steam Boat (Yellowstone) on which we came up returned to Galveston, which left us pretty much alone. We got into our new quarters, the house was a frame with good floor and good roof and sided up with rough boards, good door but no glass in windows.

4th. I commenced to make bedsteads by building them in each corner of the room by setting a post for one corner and nailing

a railing from the studding to it and nailing another rail to the studding and then I got boards and laid across. My mother made bedticks out of domestic sheeting and I cut prairie grass and filled them so we had very comfortable beds, but we had no dishes except one or two cups, no flour, got some corn and ground on a steel mill. the army from San Jacinto came up and camped near us.

5th. Laid up the fence about the house and worked at fixing up things generally.

6th. My brother Clinton came back from Anahuac and brought with him a Mexican prisoner named Guadealoupe.

7th. Part of the Army left. Clinton, the Mexican and myself brought out the things which he had brought with him.

8 The remainder of the army left. Capt. [name omitted] said he thought he could find some things which he had [cached] on the opposite side of the bayou when the army passed to go to San Jacinto. So we went in search of them and after several disappointments he finally found the place and we unearthed what was to us a great treasure we found knives and forks, spoons, tin cups and plates, cups and saucers and plates enough for 6 or 7 people and we felt very rich and went back in triumph. I took the Mexican and with an old horse we picked up I commenced plowing for a crop of corn and put in some garden seeds. We got some provisions. My brother went and got another Mexican prisoner named José and we spent this month in fixing ourselves as comfortable as we could. Went out with my rifle to see if I could find some game and saw a deer and stepped behind a tree. I raised up my rifle to take aim on the deer but got the "buck ague" so bad that I could not hold my gun steady enough to shoot. I took my gun down and determined that I would not give way to any such nonsense—I poked my gun out from the tree and took deliberate aim and down came *my first deer*. I was as proud as though I had found a gold mine and after considerable trouble I dressed it and got it lashed on to my horse back of the saddle, and went home in triumph. Indians frequently brought large wild turkeys which we bought for 25 cents a piece. We would make cutlets of the breast and give the balance to our Mexican servants.

In June Mr. Dobie wanted me to go to Calcasieu La. and get some valuable papers which he had sent there to be out of reach

of the Mexicans, and I was anxious to go. He furnished me a good Mexican horse, saddle, bridle and portmanteau. I strapped a pair of blankets behind my saddle and with a good pair of pistols in my holsters I was ready for anything that might turn up. The first day I went to Lynchburg and took the road that a part of Santa Annas army made in going to San Jacinto and rode over the battle ground again. The bodies of most of the dead Mexicans were still lying where they had fallen and were being dried up by the sun, the wild animals did not appear to molest them. From Lynchburg opposite the battle ground I found only one house, which was deserted, until I got to Liberty on the Trinity river, after leaving there I found places where I could get accommodations about every 25 or 30 miles. At one place known as "Yeo-kum" at the end of a ride across the prairie of about 30 miles as I was nearing the place I saw coming by a foot path evidently to intercept me a beautiful young girl. As everybody was anxious about the news and especially from those coming from the west I stopped my horse and in answer to her questions told her what I knew of the movements of the troops &c., she then said well you will come up to our house and stay all night won't you, pointing to a very inviting looking place standing on a slight eminence a short distance from the road.¹ I had been warned against this very place, and told that it would be as much as my horse was worth if not my life if I stopped there. So although I was sorely tempted to accept the young ladys invitation prudence prevailed and I excused myself by saying that an old friend of mine from the west was stopping at the house only a short distance away and he never would forgive me if I did not stop with him. And she reluctantly turned towards home. This of course was made up by me as I only knew that there was a family who had run away from the Mexicans and who were stopping at this house. So I went there and told the man what I had told the young lady and he said he would take me in and verify what I had said. After I had been there a while an old negro of Yoakum came on an idle

¹A *Stray Yankee in Texas*, by Philip Paxton, published 1853, gives an account of Yokum's place, "Pine Island Prairie" in the lower part of Eastern Texas, and tells of his manner of entertaining unwary travelers. Eventually, a body of citizens fully convinced of the enormity of his crimes, succeeded in capturing him; "they informed him that his time had come, and giving him one short half hour to repent the villainies of a long lifetime, shot him through the heart."

errand to see how I had disposed of my horse, which I had taken around in a back yard and fed under the window where I was to sleep. I took the lariat thro' the window when I went to bed and slept with it in my hand. I stopped one night with Mr. Beaumont who took a great interest in me and gave me very minute directions about heading or going around the sources of a number of bayous. this was very necessary as there were no roads and the cow paths run in every direction and I had two days journey without a house. the first night from there I camped in a dense swamp between these bayous. I built too large fires and spread my mosquito net between them and tied my horse near me and gave him his feed of barley and after eating my supper which I had bro't with me from Mr. Beaumonts and making several ineffectual attempts to crawl under my mosquito net and leave the mosquitoes out, I finally got settled in my blankets with my saddle for my pillow, but the persevering mosquitoes would manage to get in and it was a long time before I got to sleep. I was startled from my sleep by an unearthly whoop and shriek, but I gave this to the credit of owls, then I heard the unmistakable sound of wolves barking and howling, and an occasional shriek of a panther, but I knew my fire would keep them at a distance so I managed to get considerable sleep, but several times got up and replenished my fires, but I spent anything but a pleasant night and was glad when morning came and I resumed my journey. I finally got to my destination got my papers and after resting my horse a day I started on my return. I was told by Mr. Beaumont that by the time I returned he would have a flat boat on the river which would ferry me around the mouth of these bayous and altho it would be 5 or 6 miles ferriage it would save a long distance of travel and I determined to return that way. It came very near costing me dearly, and had I known what I would encounter I would have taken my chances another night with the wild animals and mosquitoes in the swamp. On arriving at the Sabine River as I was emerging from the pine woods I saw a man of rather rough appearance who had come out of a small house on the bank of the river coming towards me, he had a brace and bit in his hand and I noticed as he came nearer that he appeared to be quite drunk. I threw the flap off my holster, as he commenced flourishing the brace and bit around and as he came in reach he

grabbed my horse by the bridle and stopped him, at the same time saying in a maudlin way "I'll be d—d if—I dont—bore—you through." He had not got the last word out of his mouth before I had my cocked pistol within 3 feet of his head and I replied, "let go there or I'll be d—d if I dont blow the top of your head off." The man was sobered in an instant, he dropped the reins and nearly dropped his brace and bit, and straightening up cried "don't shoot, I beg pardon, it was all a joke—no harm was intended &c." I replied, still holding my pistol in my hand that this was a bad country and this was a bad time to play off such jokes and that it had nearly cost him his life, as I should have fired on the instant if he had not dropped my bridle, but that as he said no harm was intended I accepted his apology. He asked me to go by the house, which was a mere shanty where they sold whiskey, and take a drink with him. I pretended to be very cool and indifferent but I was far from feeling so. I had just ridden 20 miles without a house, and was now at the ferry where we had to ferry 5 or 6 miles possibly against the tide, and it was nearly sun down and there was no place to stay except in this doggery; however, I told the man, certainly, I would go with him and take a drink and slipping my pistol still cocked into my holster I stopped at the place, and was asked to alight. I replied no, I would drink from horse if they would be kind enough to hand it to me, which they did, at the same time saying, that I must certainly stay over night with them that it was too late to undertake to ferry so far, and they knew the old negro would not take me over. I replied that I wanted very much to reach Mr. Beaumonts that night as I had friends there expecting me, who would certainly come to look after me if I did not come, and I did not want to put them to that trouble, and I would ride down to the ferry about 200 yards and see whether the ferryman would put me over, if not I would come back and stay with them, which I presumed I would have to do. So, I bid them good evening and rode down to the ferry boat and rode my horse into it, went back to the chain and commenced to unfasten the boat and called out to the old negro. "Come uncle, I want to cross." "Please God Massa I can't put you over to-night—tide is agin us and we can't make it." "Come on," I said—"I am going anyhow, jump in," and I threw off the chain, and as he bundled into the boat I put

a 2½ piece in his hand and said we must make it, and he took the oars and I took the steering oar and we struck out, the men at the doggerly looking at us evidently non plussed at my getting away. We made Mr. Beaumonts after a hard row late in the night, but the old gentleman got up and had my horse attended to and had me some supper. When I told how I came to be so late and of my adventure, he said "My God, my dear boy, what an escape you have had, why that is the most desperate and notorious robber and murderer on the border,—it is only a month or so ago that he killed a man in the same way that he attacked you and took horse, money and equipments, and the officers on both sides of the line are looking after him, if you had not acted as you did he certainly would have taken your horse if he had not killed you. What a pity you had not killed him." "I am sorry I did not know it," I replied, "I could have killed him as easy as not." I suppose all that saved me was that he did not expect I could cross the river and if I remained all night he could finish me at his leisure.

I must say I did not feel very comfortable when I reflected what a risk I had run, even if I had got away with my life. I might have been left afoot several hundred miles from home in a strange country with no organized authorities, for as yet there were no county governments and officers, but I went to bed and slept soundly ready next morning to pursue my journey homewards. I stopped again with my old new found friend near the Yokum place, concluding not to place myself within the wiles of the young beauty who had come out to meet me. I confess that it was with considerable reluctance that I came to this conclusion as they were rather scarce at that time in Texas. I had a dull monotonous ride over the endless prairies. It rained in torrents and the only sound I heard was the "chug" "chug" and "splash" "splash" of the horse as he made his way through the water covered prairie, and the different voices of the frogs, some of which had the cry varying from the young lamb up to a yearling calf. At last in the middle of a wide prairie my horse began to lag and I thought he was going to "give out." So, taking pity on him I thought I would foot it a while and give him a rest and got off and tried to lead him, but as he was averse to being led I let my lariat out full length and drove him ahead of me. I got up rather close he thought to his heels and he forgot himself and let drive

with both feet, throwing the mud and water all over me. I concluded that if he could kick in that way he could carry me and so I remounted and he evidently thought he had betrayed himself as he went off as fresh as ever. I came to a deserted cabin in the edge of the prairie and concluded to occupy it for the night. I stripped my horse and staked him out to good grass and took my dripping things into the cabin. I found the powder in my pistols so wet that I could not fire them, and my powder also so damp that I could not get fire in the pan in my pistols. So, I had to adopt the primitive way of producing fire by friction, rubbing two dry sticks together did not work, so I improvised a bow by tying a piece of cord at one end of a strong twig and stretching it to the other end making a bow. I took a dry piece of board and laid it on the floor and dug out a hole in it with my knife. I then took another piece of dry board and split off a piece about 8 inches long and sharpened it at each end after making it tolerably round. I took another small piece of board and made a hole a little way into it to hold the upper end of my rounded stick. I took a turn around this stick with my bow and had my machine ready. I placed one end of my stick in the hole in the board after placing around it the driest and finest materials I could find in the old house. Having placed one end of the stick in the hole, I took the piece of board in my left hand, placing the end with the hole on top of the stick to hold it in place, and with my bow I commenced whirling the round stick around back and forth, pressing it down with my left hand. It did not take long before it began to smoke and to my delight the materials surrounding my stick caught into a blaze, and I soon had a roaring fire in the old fire place, for there was plenty of material, but you may be sure I did not need any for my personal warmth just then, for with the exertion and anxiety about success I was pretty warm; however, I got my blankets and everything strung about the fire and by the time I was ready to lie down I was quite comfortably fixed. I had read somewhere of this method of producing fire but this is the first time I ever tried it. [Diagram of fire-producing machine on margin.] I happened to have good materials in the old house or I should have found it more difficult. After I had warmed up my somewhat damaged provisions which I had bro't from my last stopping place I rolled myself up in my now dry blankets and had

a very comfortable night. I started again early next morning and soon came to a creek swollen by the rains so that it was not fordable. I disliked very much to have my clothes all again wet after so much trouble drying them especially as it had ceased raining. Someone had cut a tree and felled it across the creek near the crossing but it was quite small. I succeeded in crossing on it, after taking off my clothes, and got my horse over, but as I got in the middle of the stream the tree bent under my weight so that I had to wade in the water on the tree nearly up to my knees; this required good balancing, especially as the tree sprung up and down with every step, it was more like walking a tight rope than anything else; but I managed to get everything over in good shape until my last trip with my saddle on my back. I got about the middle of the stream, the water rushing past me, the tree bobbing up and down, and swaying with the stream I lost my balance, and in I went, saddle and all. I hung on to that, and righted myself and made the shore, after being carried a little way down the stream, none the worse for my swim. I had no more adventures and got back safely with my books and papers, all right, except for a little wetting, and to the great relief of my Mother, who had been loth to let me go.

NEWS ITEMS

The "Unique character of the original Texas Ranger force" and "Exploits of Texas Rangers: Ben McCulloch, fighting man" are titles of articles published in the *Dallas News* of March 20, and April 17, 1921, by Mr. W. P. Webb.

Some important information concerning the establishment of the *Texas Christian Herald*, one of the early Baptist publications in Texas, and its connection with its successors is published by Mr. R. C. Crane in the *Baptist Standard* of June 16, 1921.

Beginning Monday, January 17, 1921, the *Houston Post* has published each Monday an article by Hon. Clarence R. Wharton under the general caption "Texas Centennial Year." The articles present a pretty full synopsis of the history of Texas; the series has come down to the outbreak of the Revolution.

Under the caption "Fredericksburg, a quaint city with unique history," Mr. Robert Penn published in the *Galveston News* of July 31, 1921, a good resume of the history of German colonization in West Texas.

In the *Temple Daily Telegram* of March 2, 1921, Mr. T. A. Hickey published a biographical sketch of Mrs. Caroline Stewart Cox, step-daughter of Dr. Charles B. Stewart. Mrs. Cox lives at Durango, Texas.

Colonel Hampton Cook contributed a good biographical sketch of Captain Randal Jones to the *Galveston News* of July 17, 1921. Mr. Cook has presented to the Association an original letter of Captain Randal Jones to Stephen F. Austin, September 7, 1824, which he published in this article; a letter of W. B. Travis to Captain Jones, October 3, 1835; and the Honorable Discharge of Captain Wyly Martin, signed by President Houston, December 5, 1838.

Articles of interest published in Texas newspapers: "Old King's Highway," by Rev. George Louis Crocket, in *Galveston News*, January 16, 1921; "Peach Point Cemetery," by James E. Sullivan, in

Houston Chronicle, March 3, 1921; a biographical sketch of August Buchel, by Corinne L. Flood, in *Galveston News*, May 29, 1921; "San Felipe de Austin," by Judge Nelson Phillips, in *Houston Post*, June 4, 1921; "East Texas asks to divide State in 1871," by W. M. Thornton, in *Galveston News*, June 5, 1921; Miss Luciana G. Davis's reminiscences of Fort Ringgold, by Florence Johnson Scott, and "Faded glories of Old Washington," by Mrs. Kathleen Randle, in *Dallas News*, September 18, 1921.

Dr. J. O. Dyer has contributed to the *Galveston News* following articles dealing with incidents in the history of the Texas coast country: "Texas coast in the eighteenth century" (January 9, 1921), "Wonderful story of the Mission La Bahia" (July 17, 1921), "Early banking on Galveston Island" (August 7, 1921).

During January and February, 1921, the *Houston Chronicle* published in its Sunday edition biographical articles and accounts of visits to the former homes of such prominent Texans as Colonel Ashbel Smith, Vice-President Lorenzo de Zavala, President David G. Burnet, Colonel Sidney Sherman, and President M. B. Lamar. The article on Stephen F. Austin appeared in the *Chronicle* of July 10 and 17, 1921.

Dr. S. O. Young contributes several anecdotes about Colonel Ashbel Smith to the *Houston Chronicle* of January 11, 1921.

The Pioneer Freighters' Association held its first meeting at San Antonio, March 30, 1921. Following officers were elected: president, Celestin Villemin; vice-president, Joseph Monier; secretary-treasurer, William B. Krempkau.

The second annual reunion of the ex-Texas Rangers' Association met in Weatherford, August 11 and 12, 1921. About sixty rangers were present all of whom saw service prior to 1881. The officers chosen for the present year are: W. M. Green of Colorado, General; J. B. Gillett of Marfa, Captain; N. N. Rogers of Post City, Lieutenant; Henry Sackett of Coleman, Orderly Sergeant and Secretary.

Texas under Six Flags: An historical and patriotic pageant, depicting in a symbolical way, in story, song, dance, and tableaux, the history of the Lone Star State. Edwin R. Bentley, editor,

The Monitor Print, McAllen, Texas. "The Rotary Clubs of Texas, out of a patriotic desire to see the hundredth anniversary of the founding of the first Anglo-Saxon colony in Texas properly celebrated, initiated the movement to have an historical pageant of Texas presented in every community on the 10th day of November, 1921, has caused this booklet to be issued."

The *Lubbock Avalanche* issued in September, 1921, a Panhandle-South Plains Fair Special Edition (vol. xxii, No. 12) of ninety-four pages. It contains much information about the past and present of that section.

Deaths of persons of prominence in Texas: Hon. W. L. Davidson, judge of the Court of Criminal Appeals, at Austin, January 25, 1921; W. T. Carter, lumberman, at Houston, February 23, 1921; Henry B. Terrell, former comptroller of the State, at San Antonio, March 24, 1921; J. W. Riggins, former mayor of Waco, at Hermit, California, March 25, 1921; W. A. Bowen, editor, at Arlington, April 15, 1921; J. C. McNealus, editor and State senator, at Dallas, May, 1921; Mrs. Rosine Ryan, prominent business woman of Houston, at Los Angeles, California, July 20, 1921.

Hugo Moeller, for many years editor of the San Antonio *Freie Presse* and, author of several volumes, died at Comfort, February 1, 1921.

James B. Gambrell, distinguished Baptist minister, educator, editor and author, died at Dallas, June 10, 1921.

Ferdinand H. Lohman, author of a short history of Comfort, Texas, and of a volume of poetry, died near Boerne, June 18, 1921.

Dr. Rudolph Menger, author of *Texas nature observations and reminiscences*, died at San Antonio, March 27, 1921.

Judge W. S. Oldham, who contributed a biographical sketch of Colonel John Marshall to THE QUARTERLY, XX 132-38, died at the home of his sister, Mrs. J. W. McCarty, in Eagle Lake, August 1, 1921.

Mr. Emmett L. Perry of Freeport, Texas, died at Houston, September 30, 1921. He was a grandnephew of Stephen F. Austin, and his wife, who survives him, was Miss Hally Ballinger Bryan, daughter of Colonel Guy M. Bryan.

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THE LAST TREATY OF THE REPUBLIC OF TEXAS¹

W. P. WEBB

I

The Republic of Texas enjoyed a separate existence from 1836 to 1845, a period of nine years. It was bounded on the north and east by the United States, on the south by the Gulf and Mexico, and on the west by a region practically unknown and inhabited by numerous tribes of wild Indians. During its existence, the Republic was concerned primarily with three great problems: how

¹This study is based on original sources. The documents are to be found in the State Library at Austin, and are entitled "Indian Affairs—State Papers." A word about this collection of documents may prove of interest to readers. It consists of several thousand papers, including letters, diaries, reports and treaties, covering Indian affairs in Texas from 1831 to 1860. The documents are in a fairly good state of preservation. Practically all of them are written in long hand (none are typewritten and only a few are printed). In some cases the writing has faded; in many cases it is almost illegible. To read and handle these documents is to feel one's self carried back into the atmosphere and spirit of the Texas border. In the particular period with which this paper deals, certain strong and rugged characters emerge from the frayed manuscript and become real. Such white men as agents Williams and Eldredge, who faced death and wrote about it with delightful unconcern, such Indians as the crafty Delaware guide and interpreter, Jack Harry, or the reliable Waco friend, Ecoquash, or the constant enemy, Pa-ha-yu-ca, chief of the Comanches, these were *the men* of the frontier. Back of them all, wrapped in the mystery of his own character, dominating and guiding all, stands the sardonic yet kindly old Texan, Sam Houston.

The references in the notes are to the collection of documents described above, unless otherwise indicated. The date will serve in each case to locate the particular document. Since many of the Indian names were rarely spelled twice in the same way, I have adopted the spelling which appears to have been most common.

to get into the United States; how to keep out of the hands of Mexico; and how to handle the Indians. Practically all Texans were agreed upon the proper solution of the first two problems, but there was much difference of opinion in regard to the Indians. The majority of the people doubtless favored the use of military force for the purpose of extermination; but an important and influential minority desired peaceful relationships established through diplomacy and maintained by kindness and fair dealing. This faction was headed by General Sam Houston, president of the Republic for more than half its duration.²

However enigmatical Sam Houston may have been—and he was one of the most puzzling characters in history—his attitude towards the Indians was indisputably that of friendliness and good will. When he came to the presidency for the second time, in 1841, he found the Indian relations exceedingly bad, owing to the policy of force and extermination which had been pursued by President Lamar.³ Houston hated Lamar, and reversed his policy. Hatred, however, was not his sole motive, for he almost loved the Indians, and he sought in every way to regain their friendship which had been lost and to restore their confidence which had been destroyed.

The work of pacification proceeded slowly, and had to be done with utmost patience, for the Indians were suspicious and held back warily like guilty and stubborn children. Houston's plan was to approach them through agents, draw them into councils, establish frontier posts, set up trading houses to supply their wants, and induce them, tribe by tribe, to sign treaties of friendship and amity. His kindly attitude and his procedure are shown clearly in the following letter from one of his agents to Red Bear, chief of the Caddos.

Boggy Depot, July 30, 1842.

To Red Bear,
Caddo Chief: Dear Friend

Your letter dated Grand Prairie in this month was received . . . and I am happy to inform you that two days after the reception of your letter Col. Stroud and others arrived with full

²The constitution of the Republic (Art. III, Sec. 2) provided that the first president should serve two years, and succeeding ones should serve three. Houston was, therefore, president for five years.

³President M. B. Lamar served in the interim between Houston's first and second term as chief executive of the Republic of Texas.

power and authority from General Houston President of Texas to negotiate Treaties with your people and all other Indians heretofore hostile to Texas. . . .

The letter further advised the Caddos to separate from the Keechi, Waco, and other Indians unless these could be induced to make peace.⁴ This letter shows that Houston's plan was to begin with the near and more docile tribes, make peace with them, and then with their help reach out after the more distant and intractable Indians.

The first two years of Houston's administration seem to have been spent in such preliminary preparation. All the time the Texas agents were busy cultivating the friendship of the Indians, regaining their confidence, and convincing them that the policy was now one of peace instead of war. By 1843 this preliminary work had been fairly well done, and the government was ready to enter upon the second phase of Indian rapprochement.⁵ This phase consisted of a series of Indian councils which began in the year 1843, extended through the life of the Republic, and resulted in treaties of peace with practically every Texas tribe. There were four councils, held in September, 1843; October, 1844; September, 1845; and November, 1845. At each council save one a treaty was signed, that of November, 1845, being the last treaty of the Republic of Texas. It was signed some forty days before Texas had completed annexation to the Union. In order to understand this last treaty, it is necessary to consider briefly those treaties and councils which preceded it.

The first general council met at Bird's Fort on the Trinity in 1843. Houston made a strenuous effort to get all the Texas tribes in for this council. In May, nearly five months before it met, he sent the Superintendent of Indian Affairs, J. C. Eldredge, with

⁴R. M. Jones to Red Bear, chief of Caddos, July 30, 1842. On July 5, 1842, Houston appointed four commissioners "to treat with any and all Indians on the frontiers of Texas." These commissioners were Henry E. Scott, Ethan Stroud, Joseph Durst, and Leonard Williams. A copy of their commission is found in the Indian papers under date July 5.

⁵On March 8, 1843, the Texas agents assembled eight Texas tribes on Tahuacarro creek and induced them to sign a truce and to agree to come for a general council in the fall. This truce marks the end of the period of preparation. The United States was represented on this occasion by Pierce M. Butler and Texas by G. W. Terrell, J. S. Black, and T. I. Smith. The truce was signed March 31.

Delaware guides and two Comanche prisoners, to visit the wild Comanches far out on the northwestern plains for the purpose of inducing them to come in. After many dangerous adventures and hairbreadth escapes, all told about in a careful diary which Eldredge left, the party returned. But Eldredge could not persuade Pa-ha-yu-ca, the Comanche chief, to come in. Chiefs and kinsmen of Pa-ha-yu-ca's band had been killed in the Council House at San Antonio, and the chief said that his warriors were afraid of a repetition of treachery. In fact, it was all the chief could do to restrain his men from taking their revenge at this time. Eldredge, however, did induce Pa-ha-yu-ca to sign a temporary truce in which it was agreed that hostilities and horse stealing should cease until the president could send a commission higher up on the prairies to meet the Comanches. This truce was signed on Red River, probably beyond the present limits of Texas, on August 9, 1843.⁶

The next month the Texas commissioners, General G. W. Terrell and E. H. Tarrant, with their assistants, met on the Trinity all the Indians who could be induced to assemble there. On September 29, a treaty was signed with nine tribes: the Delawares, Chickasaws, Wacos, Tahuacarroos, Keechies, Anadarkos, Ionis, Biloxis, and Cherokees. The commissioners were not daunted by the fact that some of these tribes were from the United States. Their policy was peace and they were taking all comers. The treaty that was made there may be seen today in the state papers, sealed with the great seal of the Republic set upon white, blue, and green ribbons. It bears the signatures of the commissioners, the marks of the illiterate chiefs, and the bold approval of President Sam Houston.⁷

Though the first council, which I have just described, met at Bird's Fort on the Trinity, the three which came after it were

⁶A full account of Eldredge's experience on this expedition may be found in his letters and final report in the form of a daily diary. This diary is probably one of the most accurate and interesting documents that we have on Indian life in Texas during the Republic. For another account of Eldredge's expedition see Brown, *Indian Wars and Pioneers of Texas*, p. 93ff. Brown's account seems to be based upon letters of Hamilton P. Bee, who accompanied Eldredge on the expedition.

⁷Treaty of September 29, 1843. This treaty was formally ratified by the Senate on January 31, 1844. Cf. Tom Green, Secretary of Senate, to President Sam Houston, January 31, 1844.

held on the Brazos and at a spot so important in frontier and Indian affairs as to deserve particular notice. We find concentrated around one place, near the present site of Waco, all the elements of the two forces which were contending for the soil of Texas. The Texans had built near the mouth of Tahuacarro creek a trading house designed to supply the wants of the Indians, and far and wide over the frontier it was known as Torrey's Trading House. Because a few soldiers were stationed there, it was referred to as Post No. 2 or Trading Post No. 2. Now what was the significance of this trading house and post? What did it stand for? It stood for everything to the east of it. It stood for the white man, the westward-driving, land-hungry Anglo-Saxon. This was his advance, the point of his spear thrust far out into the Indian country. It was a symbol.

Some four miles beyond the Post, where the timber gave way to the prairie, was another symbol, a great Indian council ground, which had served as such long before the white man came. What did it stand for? It stood for everything to the west, for the Indian, and to him it was hallowed ground. It was the intertribal meeting place where the Indians came to hold their councils, to smoke their pipes of peace, to discuss and decide momentous questions. It is quite significant, too, that the white man had planted his outpost on the very edge of the Indian's sacred council ground, notwithstanding the white man came in peace. At the Post and the Council Ground the Texans and the Indians met for trade and for treaty, and at one place or the other the three important councils which I am about to discuss were held.

The second council of the series was to have been held in September, 1844, at the old Council Ground near Torrey's. Owing to numerous delays it did not meet until October, and it turned out to be what was probably the greatest Indian council ever held in the Republic. President Houston was on hand, master of ceremonies and of men, lord of vassals and an emperor of child-like kings. He found himself surrounded by agents and rangers, captains and commissioners, chiefs and warriors, all ready to render him his due of service or homage. The situation was one that appealed mightily to the old Texan's love for pompous ceremonial. In dramatic fashion he created a chief, crowning him with a silken

turban set with a pin which looked to the Indian like pure gold.* To other chiefs he gave gorgeous robes, and to all he distributed gifts with a liberal hand. In the presence of the Great Spirit and the Mother Earth—Indian dieties—a solemn treaty was made which was to bind the white and red men forever. Houston was happy. Had he not reversed the policy of Lamar? Was he not providing what he conceived to be justice for both red and white? On October 9, 1844, the treaty was concluded. It was signed by the authorized agents of Texas (but not by Houston), by the Indian chiefs, and formally sealed with the great star of Texas.* The original document may be seen now in the archives, the five-pointed seal set upon the white, blue, and green ribbons, each with its special signification: the white denoting peace; the blue, like the sky, unchangeable; the green, like the grass and trees, existing as long as the world stands. Such were the words of Houston. This treaty is one of the few that was ratified by the senate of the Republic.¹⁰

So far all was well. Houston had made peace and to him that meant victory, but the victory was not without a blemish. Houston had not been able to induce all the Indians to come in, nor was he sure that the peace he had made would endure. It was hard to keep the path from the tepee to the cabin white. Besides there was much work ahead. The absent tribes, Comanches and Wichitas, must be reached, and the settlement of differences that were sure to arise must be provided for. It was agreed, therefore, that the tribes should assemble each year when the leaves fall to hear the great white chief or his captains, to renew friendship, settle differences and receive gifts.¹¹ And it was the hope of the

"His Excellency arose from his seat, and requested Ecoquash to rise also; when he bound around his brow a silk handkerchief with a large pin in the front and proclaimed him chief of the Wacos." Minutes of the Council, October 7, 1844.

*The commissioners who signed the treaty were Thos. I. Smith, J. C. Neill, and E. Morehouse. Houston's name does not appear on the treaty at all. Probably the reason that Houston did not sign was that he thought the president should sign the treaty only after its ratification by the senate.

¹⁰*Gammel Laws*, II, 1196. The treaty was ratified by the senate January 24, 1845, and was signed by President Anson Jones, who had succeeded Houston, on February 5. I know of but one other Indian treaty to receive formal ratification, and that was the one of 1843. See footnote 7.

¹¹Article 21 of the treaty of October 9, 1844, is as follows: "They further agree and declare that there shall be a general council held once a

president to get all the Texas tribes to come to these councils and sign the treaty.

The third general council was set for September 15, 1845.¹² Long before the day arrived instructions went out to the Indian agents on the frontier to make every effort to bring the tribes in. Houston had been succeeded by his former Secretary of State, Anson Jones, but this change made no difference in the Indian policy. The same agents remained on the frontier pursuing their work as formerly. In spite of their vigorous efforts, it soon became evident to the agents that the task of bringing in all the Indians was too great. Some of the Comanches had gone south to raid in Mexico, and had compelled Benjamin Sloat to accompany them as far as San Antonio to protect them from Jack Hays and his rangers.¹³ The Keechies still had a prisoner, the Wacos had some horses, while the Wichitas had never consented to treat. In the words of the Indians themselves, "there was still some brush in the road."

The council, set for the 15th, did not meet until the 19th of September, due to the procrastinating Indians and the late arrival of the wagons with presents, and it was not concluded until the last days of the month. The proceedings went on with due formality, speeches were made and presents distributed, but no treaty was signed. There was no reason for a treaty since all the tribes present had signed the one of the previous year.¹⁴ The whole affair must have been somewhat disappointing to the government. The tribes most desired—Pa-ha-yu-ca's Comanches, the Wichitas, Wacos, and Tahuacarros—did not appear. However, the government did not give up, and it was soon to be rewarded for its perseverance.

II

The purpose of the government now was to gather the absent tribes in to a supplementary council at the earliest possible moment, where chiefs from both the whites and the Indians shall attend. At the council presents will be made to the chiefs." *Gammel Laws*, II, 1194.

¹²By July the date for the council was set definitely, as shown by Benjamin Sloat's letter of July 12.

¹³B. Sloat's report for July and August, 1845, dated July 12. Sloat died soon after this report was made and was succeeded by Paul Richardson as agent to the Comanches.

¹⁴Minutes of the Council of September, 1845.

ment. The Comanches under Pa-ha-yu-ca and Santa Anna must be conciliated, the stolen horses must be recovered from the Keechies and Wacos, and the prisoner must be returned to his people. The first intimation of another council is found in a letter dated October 9, 1845, from the Superintendent of Indian Affairs to the commander of the rangers, Colonel T. I. Smith.

His Excellency [President Jones] has directed me . . . to meet you if necessary with the Comanche chiefs who were not present in the last Council.¹⁵

Ten days passed without any definite assurance of a council. As late as October 21, Superintendent Western gave the Comanche agent the following instructions:

You will proceed to Post No 2 on Brazos and ascertain what prospects there is of a visit from our friends, the Comanche Chiefs, Pa-ha-yu-ca, Pu-cha-ne-qua-he (Buffalo Hump), "Santa Anna," or either of [them] and report to me at this place.¹⁶

This letter shows that the superintendent did not know whether a council would be held. His uncertainty, however, was soon ended. On the day after the above letter was written, he wrote the agent again.

Intelligence has at this moment been received at this office that Pa-ha-yu-ca and his band with some Wichita Tahuacarro, and Keechi Indians are on their way down to meet me in council—you will proceed to the residence of Col. T. I. Smith or to wherever he may be, and act in conjunction with him if necessary . . . in bringing them down to Post No 2 where I will meet you in ten days—you will find both beef and corn at that post.¹⁷

Thus it was settled that the supplementary council would meet, if possible at the old Council Ground, and some time in November. The customary delays ensued. On November 3, the resident

¹⁵T. G. Western to T. I. Smith, October 9, 1845.

¹⁶Western to Paul Richardson, agent to Comanches, October 21, 1845.

¹⁷Western to Richardson, October 22, 1845. It seems that Col. T. I. Smith wrote to the superintendent giving him the news. On the date of the above quoted letter, the superintendent wrote to Smith as follows: "Your favor of the 15th inst is recd. and I rejoice to find that Pa-ha-yu-ca and his band, with the Keechies, Tahuacarros and Wichitas are on their way in. I will meet you at Tradg house Post No. 2 in ten days. . . . It will be no more than proper that we should assemble there because it is the wish of the Govt. and because we have presents there."

agent at Post No. 2 wrote the superintendent of reports that Pa-ha-yu-ca had gone "a long way off" among the mountains, and would probably not return during the whole fall.¹⁸ The report must have been based on facts, for the big Comanche chief did not come in.

Two special commissioners, Colonel T. I. Smith and the Honorable G. W. Terrell, were appointed to accompany the superintendent and hold the council.¹⁹ All were able men, much experienced in Indian Affairs and in sympathy with the policy of the government. Western and Terrell left the capital in the latter part of October and proceeded on horseback to the trading post on Tahuacarro creek. When they arrived there, they found agent Williams and probably a few rangers at the post.²⁰ No Indians were present, but some were reported near. Two Delawares, James Shaw and Jack Harry, were acting as interpreters and messengers between the white and red men. And one may well imagine what an air of suppressed excitement must have accompanied such a diplomatic assemblage. The savages were very deliberate in their movements. It was November 10 before they began to appear at the Council Ground, and when the council was formally called, five days later (November 15), the chiefs of but four tribes were present. These were the Wacos, Tahuacarros, Keechies and Wichitas, accompanied by a number of their warriors and their women and children. All the tribes except the last had already made treaties. Neither Pa-ha-yu-ca nor Santa Anna with the Comanches were present.

What is an Indian council like? Much literature of a kind has been produced on the subject, little of which has been done by those with first-hand information. Fortunately there has been preserved very careful minutes of the Texas Indian councils and many letters describing them, and especially is this true of those held from 1841 to 1846. This particular council, or "Big Talk," as

¹⁸L. H. Williams to T. G. Western, November 3, 1845. Williams was a resident agent at the post as distinguished from the special tribal, or "field" agents who lived among the Indians. For example, Paul Richardson was at this time agent to the Comanches, succeeding Benjamin Sloat, who had died.

¹⁹Minutes of the Proceedings of the Council, November 15-16, 1845.

²⁰I have followed here the report of Commissioners Terrell and Smith to the Secretary of State.

it was called in the parlance of the frontier, is described in an exceptional and graphic manner by the minutes and letters, the former containing the talks of the commissioners and the speeches of the Indian chiefs. In fact, the documents are so interesting and so filled with the spirit of the time, that the writer could do no better than incorporate a number of them in this story. What did the white man say to the Indian? What did the Indian reply? No description is so effective as the actual words spoken and written down at the time.

Of the preliminaries of the council we know little. It is probable that the procedure of other councils was more or less duplicated. The chiefs and the white men seated themselves in a circle on the ground, with the Indian warriors and Texas soldiers grouped about them. The peace pipe was passed around the circle and smoked in silence. The stage was set with wild and natural scenery painted in autumnal colors. Above were the slow-moving clouds, presagers of November rain. If there was music, it was that of a running stream or a belated song bird and the noise of wind in the trees.

When the impressive formality of the peace pipe was ended, General G. W. Terrell arose and in solemn voice addressed the Indians:

Brothers Listen!

It is now more than three years since the white man met on this creek to make peace with the Red man.²¹ When we first met, the path between the White and the Red man was full of brush—it was also Red with the blood both of the White and the Red man—since that time we have removed all the brush and blood, and made the path white between us—it used to be the case that when the White and Red man met on the prairie, they used always to try and take each others scalps, but now when the White and the Red man meet, they sit down and eat Bread and Buffalo meat like brothers. We hope on the part of the white people, that this state of things will always remain,— We have been taught to believe by the Great Father above that the White man and the Red man are all the same people, the same G[rea]t Sp[iri]t has also taught us that it is best for brothers to live together in peace—for this reason the white people of Texas have all this time kept the peace that they first made on this creek with the

²¹General Terrell evidently refers here to the truce which he had signed with the various tribes on this spot in March, 1843. See footnote 5.

Red man.²² I would ask any of the chiefs if they have known that the white people have broken the peace that they first made with the Indians—some very bad men that had just come across from the U. S. did kill some Delawares, but as soon as ever we found it out we took them every one, and hung them up on a tree, and that man there (pointing to the agent [Williams]) did it.²³ They ought to take that as proof that Texas is determined to keep the treaty made with the Indians. I would ask our Red Brothers if they do not find it is better for them to keep peace and sell their horses and skins to the white man, than to be always at war with him,—it used to be the case that they had no settled home in this country; they were obliged to drive their horses about and carry their women and children with them in cold and rainy weather! Now they can settle down, stay at home, cultivate their corn fields, raise pumpkins and eat them without the fear of being disturbed by any white man. Texas wants to make peace with the Red man, not because she is afraid to make war, it is because we believe it is better for both the Red and the White man,—that is the reason why we prefer to make peace instead of war.

General Terrell now turned to the chief of the Wichitas and addressed him as follows:

We are happy to meet all the chiefs here, but particularly him as he is the first of all the Wichita Chiefs that has come down to make peace.²⁴ I would refer to all the chiefs who have been at war with us, if it is not better for them to make peace with us, we would be sure to kill more of his men than he would be to kill ours, we believe that we are all the children of the same Great Spirit and for that reason we ought to be at peace instead of war. We want to teach our Red Brothers to live as we do, by cultivating land and growing corn. We will give the Red man every year corn and hoes to cultivate their ground,—the reason we want

²²*Ibid.*

²³Strange as it may seem, it was really true that the Texans executed some white men for the murder of the Delawares. On October 9, 1844, L. H. Williams made a report to the president of his activity among the Indians. He says: "On the first day after leaving home I received some information of some white men having killed some Delaware Indians . . . in Fannin County. Thinking it best to see what was done with them to enable myself to give satisfaction to the Indians, I proceeded to that place, where I saw Mitchell, Ray, White, and Jones, part of the participants . . . executed on the 17th of that month [July]. None of the Indians were present, which I very much regretted." Williams to Houston, October 9, 1844.

²⁴The Wichita chief was Seatzarwaritz. The Wichitas had never been down to a council, but J. C. Eldredge visited with them when on his expedition to the Comanches in 1843. See his report.

them to do this is because we know that the wild game will not always continue. Four years ago, Ecoquash²⁵ knows that there were thousands of Buffaloes all over these prairies and deer in abundance— Where are they now? they have all disappeared. For this reason we want them to make their living as we do, because when the game is gone, they will want something for their women and children to live on—that is all we have to say now, except that we have some complaint to make against some of them.

At this point General Terrell registered his complaint against the Indians and undertook to get them to release their prisoner and give up the horses. He continued:

The treaties that we have made with them have been broken by some of them (here the commissioner read articles 5 & 19 of the treaty of [October] 9/44).²⁶ We have given them up all the prisoners that we had except a few Comanches, and these we have been ready and are ready to give up now—we know that the Keechies have one prisoner and that chief there (pointing at the Keechi Chief)²⁷ promised some time since to give him up. We expect him now to bring him in—some of their people have been killing some of our people and stealing some of our horses, out west lately, we do not believe that any of these Chiefs here have committed any of these depredations,—they have some bad men among them and we want them to keep them back, or when they steal horses, to take them and bring them to the agent here according to the terms of the treaty I have just read to them.²⁸ There were two white men lately killed on the other side of the Colorado—some say the Comanches did it, others say the Wacos did it, those people on the Colorado and Guadalupe are our People—the same as us, and they must not make war on them,

²⁵Ecoquash was a Waco, the one whom Houston had crowned chief in 1844. Ecoquash used his best efforts to bring peace between the white and the red men. He accompanied Eldredge on a part of his expedition in 1843 and rendered great service. He held a peculiar position among the Indians. He was something of a spokesman for several bands, but seemed to possess little real authority outside the Waco tribe.

²⁶Article 5 of Indian Treaty of October, 1844: "They further agree and declare, that the Indians shall no more steal horses or other property from the whites; and if any property should be stolen, or other mischief done by the bad men among any of the tribes, that they will punish those who do so, and restore the property taken to some of the agents."

Article 19. "They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners." . . . Gammel *Laws*, II, 1191ff.

²⁷Soatzasoska was the Keechi chief present.

²⁸Article 19 of the treaty quoted above.

more than on us.—²⁹ if they do not restrain their young men from going there to kill and steal we will have to raise men to follow them, and then we may follow them to their country and kill some innocent persons—we have got a great many soldiers come into the country lately—they are all over the country—the soldiers want to go after the Indians, but our Government will not let them, but if they continue to steal horses, they will have to be sent, and they may in recovering the horses kill the men. We have established companies at all the stations on the frontier—if the Red men want to come down, let them come to these companies, and they will be as safe as they are here, but if they steal horses, they must expect these companies to follow them, and perhaps kill them.

I have done!³⁰

An analysis of this speech shows that General Terrell sought four things: to locate the Indians who had committed the murder; to recover stolen horses and prevent further thefts; to encourage the Indians to take up a settled habitat and pursue agriculture as a means of livelihood; and to impress upon them the great military strength of Texas.

General Terrell was followed by the Tahuacarro chief, Keechyquisoka, who proclaimed his love for the white people and stated that he had already given up all the horses he could find, but promised to look for others, and concluded by asking the commissioners to give him blankets and strouding. When questioned about a war dance which had been held in his village around a white scalp, the chief replied that the scalp was brought there by another tribe, and that he had thrown it away as soon as he found it was a white man's.

"Keechyquisoka is a good man and acted right," remarked the commissioner.

The next speaker was the Wichita chief. His speech is given in full because of its simple and lofty eloquence which puts the rhetorical flourishes of the white man to shame. This is the first speech that a Wichita ever made in a Texas council.

I am a chief you can stand and look at me and see what sort

²⁹The Indians did not understand the unity which bound the white people. The Indians looked upon the different settlements as different tribes. Peace with one settlement did not mean peace with all.

³⁰Minutes of the Proceedings of the Council, November 15-16, 1845.

of man I am. I cannot see the sun,³¹ but the G[rea]t Sp[iri]t will look down and see me shake hands with my white Brothers. I have a good heart and hand the same as the white mans. I heard of you a long time ago. I was a long ways off, [but] at last I thought I would come and see you. The G[rea]t Sp[iri]t knows my heart and sees my heart cry for what has been done. The white chief looks at me, and I look at them. They are trying to make the path white. I will help them to make it white. I talked with Pa-ha-yu-ca, he loves me and I love him.³² I have listened to what you have said, and have heard nothing but what is good. I have been at war and you see I am a poor man and naked. I think it is best to be at peace.

I love all my warriors, but I have got some bad men among them. The white men see me and see that I am a poor man and I want them to consider my situation. I was a long ways off and I tried to stop my men, but could not.

I have now seen you myself and my heart beats for peace. I will go back and tell my warriors what I have seen. The G[rea]t Sp[iri]t hears me, the mother earth hears me and knows that I tell the truth. There is no use to talk too much for men who do so may tell lies.³³

The Wichita was followed by the Keechi chief, the one who held the white prisoner. His talk had nothing of special interest and has been omitted. When he had finished, the commissioner asked, "Where is the white prisoner?"

"The reason I did not bring him," replied the Keechi, "was that he had no horse to ride. If you will send the horse I can bring him."

The Waco chief interrupted at this point, saying: "If you will send that man (pointing to Colonel Smith) with his company I will make my men help them get the horses."³⁴

This was the climax. The Indians had agreed to all that was required, and it only remained to be seen how faithfully they would abide by their agreements. It was arranged on the spot to send agent Paul Richardson with ten rangers and the Delaware, Jack

³¹The reader will recall that the day was cloudy.

³²Pa-ha-yu-ca was the Comanche chief who had signed the truce with Eldredge. He had not yet come in for a council, but very friendly relations existed between him and the Wichitas, as shown by Eldredge's report. Pa-ha-yu-ca did sign the treaty with the United States agents the following year.

³³Minutes of the Proceedings of the Council, November 15-16, 1845.

³⁴Minutes of the Council, November 15, 1845.

Harry, to get the prisoner and horses. Then, in the words of the secretary, "the council adjourned *sine die* in peace and harmony."³⁵ This was November 15. The following day presents were distributed and the Indians signed the treaty, the last of the Republic. It is a short document, written in a scrawly but legible hand on common paper. It stated that the Indians had heard the treaty of 1844 read and explained, that they understood it, and would accept it as binding.³⁶

The treaty was signed by the commissioners and by the chiefs and captains of the four tribes present.³⁷ The question which arises now is: Why was a treaty signed here when none had been signed at the council two months earlier? The answer evidently is that this treaty was made for the particular benefit of the Wichita Indians, who had not met the Texans before in council.³⁸ The other three tribes had signed the treaty of 1844 (and

³⁵*Ibid.*

³⁶Indian treaty, November 15, 1845. For treaty see note 37.

³⁷The last treaty reads as follows:

Trading Post No 2
Nov 16th 1845

Whereas a treaty of peace, friendship and commerce was concluded at Tahuacarro Creek on the ninth day of October A. D 1844 between the commissioners on the part of the Republic of Texas and certain chiefs and head men of the various tribes of Indians then and there represented—and whereas we the chiefs and head men of the Waco-Tahuacarro-Keechi-and Wichita nations having heard the before mentioned treaty read, explained and interpreted to us, so that we fully comprehend and understand the same—therefore we agree to adopt, to abide by, and observe the said treaty and all its provisions in the same manner as if we had been present at the making of the same and had signed it at that time—and the commissioners on the part of Texas do likewise.

G W Terrell
Commissioners
Thos I Smith

Signed: Thomas G. Western

Supt Indian Affairs

Keechyquisoka X (his mark) Tahuacarro Chief
Ecoquash X (his mark) Waco Chief
Soatzarwaritz X (his mark) Wichita Chief
Saatzasook X (his mark) Keechi Chief
Satzatzkoha X (his mark) Waco Chief
Acowheda X (his mark) Keechi War Chief
Thitowa X (his mark) Keechi Captain

³⁸Annual report of T. G. Western to Secretary of War W. G. Cooke, February 18, 1846.

also the one of 1843), but were permitted to sign the new one as a matter of frontier courtesy and impartiality.³⁹

To judge by their joint report, the commissioners were well pleased with what had been done. One notes, however, that they failed to call attention to the fact that this was the first treaty that had been made with the Wichitas, nor did they remark upon the absence of Pa-ha-yu-ca and his Comanches.⁴⁰

Immediately after the break-up of the council, the agent, Paul Richardson, accompanied by ten rangers and Jack Harry, the Delaware, left the Council Ground for the purpose of receiving the Keechi prisoner and the horses which the Indians had promised to give up.⁴¹ On December 6, the agent returned to the Post bringing the prisoner and three head of horses.⁴² The incident is important in showing that the Indians were carrying out their part of the contract. It furnishes some evidence of their good faith.

This narrative should end here, and it would but for an episode which followed close upon the treaty. We have seen that the council ended in "peace and harmony" on November 16, and by the end of the following day the Council Ground at Tahuacarro creek was almost deserted. The commissioners and the superintendent had returned to their respective stations, the agent and ten rangers had gone into the Indian country to receive the horses and the prisoner, and the Indians had departed to their

³⁹The Treaty of 1844 (*Gammel Laws*, II, 1191) shows that the Wacos, Tahuacarros, and Keechies signed the treaty. The names of the chiefs are not in all cases identical with the names given in the last treaty.

⁴⁰Report of Terrell and Smith to Secretary of State E. Allen, November 17, 1845. The two commissioners were probably not familiar enough with Indian affairs to make a comprehensive report. They probably intended to leave that to the superintendent, Thomas G. Western, who was present at the council, but who did not join the commissioners in the report.

⁴¹Minutes of the Council, November 15, 1845.

⁴²Williams to Western, December 7, 1845. Jack Harry seems to have been a most obstreperous individual, who was as troublesome as he was indispensable to the whites. He had tried Eldredge sorely on the expedition of 1843, and his conduct was no better on this trip with Richardson. At the Aquilla creek the party stopped to kill game. Jack's mule got away and returned to Torrey's, followed by Jack, badly out of humor. He reported that the party was in disorder and that the agent would not furnish him a mount either to go forward or to return. The truth was that Jack had wanted to borrow agent Richardson's saddle horse, and because his request was denied, the Indian came in and made the unfavorable report. See also Williams to Western, November 23, 1845.

villages on the headwaters of the Colorado and other rivers. Only a handful of men remained at the trading post, including L. H. Williams, the agent, a blacksmith named Cogswell, F. E. Eldredge, and four or five rangers.⁴³ This was the situation when a runner arrived and notified Williams that the Comanches under Santa Anna, accompanied by Mo-po-cho-ke-pe, were near and on their way in for a council. This was alarming news, for the Comanches were intractable and belligerent. Here again the original document will tell the story best.

Trading House Post No 2
Nov. 23 1845.

T. G. Western,
Genl Sup. I. A.

Sir

The morning after your departure the Comanches sent word by express that they had been detained by bad weather but were anxious to meet the commissioners. Immediately upon the receipt of which information I accompanied by Mr Eldredge rode about five miles to receive them, according to your request, and brought them in. There being a larger party of the Indians than you or the commissioners anticipated I thought that the amount of goods on hand belonging to the Gov[ernmen]t would no more than satisfy them inasmuch as they had seen the presents you distributed to the other Indians and their actions but too plainly showed that we must please them or they would take the necessary measures to please themselves. . . .

The day after the arrival of the Indians a short council was held and but little said or done except to set apart the following day for trade and the next for the "Big Talk." They traded but little. On the day set apart for the council, seats were prepared and the Indians came up from camp armed with Knives, guns and Bows.⁴⁴ It was their wish that all the white men present should attend council but I deemed it imprudent, from the hostile appearance of the Comanches, to have them, and thought it best to have four or five stationed in the different

"It has been impossible to determine the exact number of white men at the post. "The National Intelligencer" of December 24, 1845, states that seven white men were present. Agent Williams' report indicates that there were perhaps eight. Williams, Eldredge, Cogswell and Perry attended the council, accompanied by Jim Shaw (Delaware). Besides these there were "four or five stationed in the different houses" during the council. This means that there were either eight or nine whites.

"This caution on the part of the Comanches is to be explained by the affair at San Antonio known as the Council House Fight, where twelve chiefs were killed by the Texas soldiers. The Council House Fight occurred during Lamar's administration, March 19, 1840.

houses. Jim Shaw informed them that it was a rather singular proceeding to bring their arms to council; they replied with the rather lame excuse, "That they were afraid they would be stolen if they left them in camp."

Every man and woman that were not in council lay under the bluff apparently ready for any emergency and judging from appearances and some remarks which J. S. interpreted I accompanied by Messrs Eldredge Perry and Cogswell went in to council with but little show of getting out of the scrape with safety.

The full proceedings of the council you will find in the report with the exception of Mo-po-cho-ke-pe's asking the young warriors each and singly if they were for peace. Some of them replied that it was a matter of very little consequence whether they were or not as they should abide by the advice of the old men. The Comanches said that we might expect Pa-ha-yu-ca in soon *when* they could not inform us, and I assure you that if the Gov[ernmen]t does not send us some presents for him or a body of men for our protection there will be difficulty. The last time P. was in he said the White Chief hid, and had it not been for the council of some of the old men there would have been a disturbance. . . .⁴⁵ I forgot to mention that the Comanches left the morning after they received the presents apparently well satisfied. . . .

The whites located here seem to think that should they be similarly situated again they would like the Georgia Major be troubled with a slight lameness, and retreat before the enemy appear.

With assurances of the most distinguished consideration I remain

Your Obt Servt.

L. H. Williams

Pr F. E. Eldredge

After the council had broken up, the agent distributed all the presents he had, a complete list of which was attached to the account of the proceedings. This list is typical of what was usually given on such occasions. It contains such articles as silk and cotton handkerchiefs, blue and red strouding for breech clouts, blue and red drill, shawls, brass wire, files, needles, looking glasses, tin buckets, tin pans and cups, fine combs (a favorite article with the Indians), tacks, thread, vermilion, indigo, ver-

⁴⁵I have found no reference in any of the documents, save this, to Pa-ha-yu-ca's visit to Post No. 2. He evidently came unexpectedly and at a time when the Texans were unprepared to entertain him.

digris, squaw hatchets, unbleached domestic, red and white blankets, fire steels, and gun powder.⁴⁶

III

With the distribution of the presents to the Comanches, the Indian relations of the Republic of Texas were brought to an end. This council was the last, and if one is to appraise the policy of the Republic, he must make that appraisal here. All the evidence is in. Furthermore, the future relationship of Texas with the Indians was, or would soon be determined, as I shall show directly. From what has been said, it is quite evident that the policy of peace had been tried earnestly for four years, and there is some evidence that the policy was a success.

In the first place, the government of Texas had succeeded in drawing the Indians into a series of councils which have been briefly described. It had, during these councils, made peace, by

⁴⁶The following is the list of presents distributed to the Comanches on this occasion:

- 21 silk handkerchiefs
- 3 cotton handkerchiefs
- 4 cotton shawls
- 8 pieces blue print
- 40½ yards blue and red strouding
- 7½ pieces blue drill
- 75 lbs brass wire
- 4 3-12 doz. tin pans
- 13 tin buckets
- 12 lbs vermilion
- 10 doz cinch butcher knives
- 1½ doz cocoa handles [?]
- 5 doz horn combs
- 7 8-12 doz ivory combs
- 2 4-12 doz files
- 7½ M brass tacks
- 2 lbs linen thread
- 1 1-12 doz fire steels
- 1½ M needles
- 1½ doz looking glasses
- 4½ lbs indigo and verdigris
- 2½ doz squaw hatchets
- 4 doz tin cups
- 1½ pr red blankets
- 7½ pr white blankets
- 42 small bars lead
- 19 large bars lead
- 2 pieces unbleached domestic, 44 yds
- 35 lbs powder

treaty or truce, with every important tribe in the state.⁴⁷ In the second place, these treaties had been fairly well observed, and they remained in force until the end of the Republic. It has been asserted by some that the Indians did not keep their treaties, and it is true that there were infractions of the peace and occasional raids. But on getting down to cases, we find these occurrences to have been comparatively rare. The truth is that much noise was made in those days over every Indian incursion and over every horse theft and what not. My purpose is not to condone the Indian or even to sympathize with him, but it is to arrive at the facts in order to set a value upon the policy which produced them. It is pertinent to ask how the murders committed by Indians would compare with those perpetrated by white men within the settlements; or how the theft of horses then, granting that all horses that disappeared were stolen by the Indians—a liberal concession, would compare with the theft of automobiles today. These comparisons cannot be made with the data in hand, but a consideration of them will give pause to extremists. It is a fact, and must be admitted, that the Indians had carried out the terms of their treaties to the extent of giving up their prisoners and their stolen horses. The brush was being cleared from the road and the path from the cabin to the wigwam was whiter than it had been for fifty moons.⁴⁸ Evidence of this is found in the last annual report of the superintendent of Indian affairs. The report gives such an excellent and interesting summary of the situation that I give it in full.

Hon. W. G. Cooke Sec. War & Marine

Sir

In relation to Indian affairs, I have briefly to say that nothing material has occurred since my last annual report.

The Indians in general have manifested the best disposition to maintain inviolate the treaties made with them and to meet us in peace and friendship.

The Comanches upon our invitation met us in Council September last, appropriate talks and interchange of civilities passed between the parties—presents were made them to the extent of

"The Apache Indians occupied the trans-Pecos region and did not come much in contact with the Texans. No effort was made, so far as the evidence shows, to reach them.

"By a "moon" the Indian meant all four phases of the moon, or 28 days.

their wishes, and gratified with their reception, they returned to the Prairies.⁴⁹ The various Tribes of minor consideration also attended the assemblage and joined in a renewal of their protestations of friendship.

In November last a Council was held with a Wichita chief accompanied by the Wacos, Tahuacarros, and Keechies. I am much gratified to state that we succeeded in making a treaty with them, the Wichitas heretofore never having consented to treat with us. The Treaty alluded to is already on file in the War Department and conforms to the treaties made with other tribes.

It must be a source of congratulation that during the past year as well as at the close of our separate existence, we have been and are at peace with *all men* both *red* and *white*.⁵⁰

Convinced that the good effects of the Indian policy pursued by the late administration of the Republic for the past four years, have become the more evident, as the more tested, I have the honor to repeat the assurance of distinguished consideration with which I remain

Your most obedient and faithful servant

Thos. G. Western
Supt Indian Affairs⁵¹

Indian Bureau
Austin, Feby 18th 1846

The fruit of the tree which Houston had planted and nourished so carefully is found in the sentence:

It must be a source of congratulation that during the past year as well as at the close of our national existence, we have been at peace with *all men* both *red* and *white*.
Peace in Texas! Strange phenomenon! For nine years Texas had been free, but never before had she known actual peace.⁵²

Then came annexation, completed about five weeks after the Indian council just described and accompanied by swift and mighty changes, not physical or visible, but silent and intangible. These were changes in relationships. Texas had solved her three

⁴⁹The Comanche, Mo-po-cho-ke-pe, had been present at some council, but he was not in Pa-ha-yu-ca's band.

⁵⁰The Mexican war began two months after this letter was written, April, 1846.

⁵¹In evaluating this letter, it should be borne in mind that it was written after Texas was safely in the Union. The Indian policy was in the hands of the United States, and the superintendent was not bidding for preferment by making such a report.

⁵²When Mexico saw that Texas was about to enter the Union, she made flattering offers of peace. Until this time she had maintained a state of war.

great problems: she had entered the Union; in so doing, she had escaped all fear of and danger from Mexico; and she had received a guarantee of protection from the Indians.⁵³ But how had the Indians themselves fared?

In entering the Union, Texas reserved to herself all her public land, which, of course, included that inhabited by the Indians.⁵⁴ But she assumed no responsibility for the Indians, a fact which had great significance. Moreover, Texas gave up to the federal government the right, and the duty, of defense, which meant frontier protection. Pursuing the thought to its logical conclusion, we see that Uncle Sam would have to remove the Indians from the land as rapidly as the Texans were ready to occupy it. This explains why there are no Indians or Indian reservations in Texas today. Before annexation the Indians had an *implied* right to occupy Texas soil. At least Texas had no right to drive them to any foreign soil, either across the Rio Grande to Mexico or across Red River to the United States. Texas must kill the Indian, or let him live, somewhere, somehow. With annexation, the land, and the implied right, was lost to the Indian. The red man had become a charge upon Uncle Sam, an interloper in his native home, and an intruder in the house which once had been entirely his own. Texas, the Republic, had an Indian policy—with Houston it was peace, with Lamar it was war, in either case a policy; but Texas, the state, had none. The alternative was gone. *There could be no peace; there must be war. The Indian had to go.*

The case of the Indian, however, was not entirely desperate, for he had gained a friend, real or potential, in Uncle Sam, who could still pursue a policy. If the policy was war, Texas would co-operate; if it was peace, Texas would become rancorous and critical. Few have understood, or called attention to, this peculiar shifting of relationship which took place with annexation. Bearing what I have said in mind, one can understand why friction arose, and was bound to arise, between the federal government and Texas over the Indian question. The federal government *was* inclined to benevolence towards the Indians, and de-

⁵³Annexation was completed December 29, 1845. Wooten (editor), *A Comprehensive History of Texas*, I, Part II, 684. The guarantee of protection from the Indians came to be looked upon by Texans as theoretical.

⁵⁴Joint Resolution of Annexation, *Gammel Laws*, II, 1228ff.

sired only to keep them back from the settlements; the Texans wanted them removed or exterminated. And this serves to explain why the Texans soon substituted rangers in the place of federal soldiers on the frontier. The rangers were Indian exterminators; the soldiers were only guards.

This swift and silent realignment of forces meant little to the Indian. Such subtlety was not for his mind; his cunning was of a different sort. Had not the Great White Chief given him the paper? Had not all agreed to live in peace? The Indian did not know how quickly brush can grow in the road which the white man has made and called clean. But as the warmth remains after the fire is dead, so did the friendship of the Indian continue after the policy which had engendered it had been reversed. The proof of this statement is found in two facts: (1) The Texas frontier enjoyed comparative peace from the time of annexation until near 1850, due as much, no doubt, to the relationship established by the Republic as to the presence of a few clumsy dragoons on the border. (2) The federal government was able to conclude, almost immediately, a treaty with *all* Texas tribes. The agents arrived at Post No. 2 in February, 1846.⁵⁵ Within three months the treaty was made and signed at the old Council Ground on Tahuacarro creek.⁵⁶ One cannot well believe that this quick and effective work was due to the superior ability and skill of the United States agents; it was due more to the effective work which had been done in preparation by Sam Houston and Superintendent Thomas G. Western and the corps of faithful agents and workers under their command.

Here ends the story of the last treaty. Coming as it did in the twilight zone when Texas was losing her identity as a nation to become a state, it has escaped so far the attention of the historian. It marks the end of a policy and the birth of an attitude towards the Indians. It affords a vantage point from which to survey the Indian affairs of the Republic. From the same point one can see the destiny and the doom of the Texas Indians.

⁵⁵Williams to Western, February 21, 1846. Williams was doubtful as to how he should receive these commissioners.

⁵⁶U. S. Indian Treaty, May 15, 1846. The U. S. treaty was made between P. M. Butler and M. G. Lewis and 63 Indians, including chiefs of the Comanches, Wacos, Keechies, Tonkowsays, Wichitas, and Tahuacarros. It was amended and ratified by the U. S. senate February 15, 1847, and signed by President Polk March 8, 1847.

THE FOUNDING OF NUESTRA SENORA DEL REFUGIO, THE LAST SPANISH MISSION IN TEXAS

WILLIAM E. DUNN

Active research in the state and ecclesiastical archives of Spain and Mexico during the past two decades has made it possible to clear up many obscure periods in the history of that portion of the United States that was formerly included in the Spanish colonial domain. During recent years many scholarly books and monographs have been written on a variety of themes in this field, knowledge of which had previously been confined chiefly to the realm of myth and tradition. Much yet remains to be written in final form, but by means of the steady stream of documentary materials that have been obtained from foreign archives by such institutions as the Library of Congress, the University of Texas, and the University of California, the few remaining gaps can now be bridged over.¹

Among the interesting episodes in the history of Spanish Texas on which very meager information in published form has been available is that of the founding of the last of the series of missions by which the Spaniards endeavored to civilize the native tribes in and to strengthen their hold on that province. This belated mission, founded near the Gulf coast toward the close of the eighteenth century and known as Nuestra Señora del Refugio, represented one of the last flickers of ebbing Spanish energy and initiative on the northeastern frontier of New Spain. So little has been known about the history of this mission, however, that even the date of its founding has usually been erroneously given, while practically no details whatever have been available in regard to the circumstances which led to its establishment. It is the purpose of this paper to place on record the principal facts

¹A recently published text-book on "The Colonization of North America" by Professors Herbert E. Bolton and Thomas M. Marshall (Macmillan, 1920) embodies the principal contributions that have been made in the field of Spanish colonial history in the United States. It is the first text-book to deal with American history from the continental rather than the sectional point of view, and reveals the vast amount of research that has been done in this comparatively new field.

connected with this missionary enterprise, which constitutes an additional evidence of the industry and zeal of the Catholic missionaries of the Spanish Southwest.²

Early Missionary Activities in the Gulf Region of Texas.—The work of the Spaniards in Texas was greatly influenced from first to last by the character of the Indian tribes inhabiting that province. The varying degrees of success achieved were due mainly to divergences in the nature of the natives rather than to differences in the methods employed in their conversion. On the San Antonio River the Texas mission system attained its highest development among the weak tribes that sought the protection of the Spaniards against their traditional foes, the Apache. Among the stronger tribes of the "Texas" or Hasinai Confederacy further east no permanent results were obtained. Equally difficult was the work of the priests among the group of tribes known as the Karankawa, who lived along the Texas coast. Spanish dominion over that region was ever hampered by reason of the hostile and barbarous nature of these Indians.³

The first attempt of the Spaniards to occupy the territory inhabited by the Karankawa was made in 1722, when the presidio and mission of Espíritu Santo were established on the site of La Salle's ill-fated settlement. The hostility of the coast tribes caused this early site to be abandoned four years later, the presidio and mission being moved further inland on the Guadalupe River. The movement for the formation of the province of Nuevo Santander in 1749 led to a further removal of the mission group to the San Antonio River, near the present town of Goliad. Five years later a new mission called Nuestra Señora del Rosario was founded nearby for work among the coast tribes. The efforts

²This study is based largely on original manuscript materials in the General Archive of the Indies, Seville, Spain, supplemented by other hitherto unused documents in the Bexar Archives of the University of Texas at Austin. The writer is indebted to Miss Carrie Camp, one of his former students at the University of Texas, for much of the preliminary research on this topic.

³The Karankawa group included the tribe known by this name as well as the Cujane, Guapite, Coco, and Copane tribes, their customary haunts being along the islands and mainland in the region of Matagorda Bay. Their total number was estimated at from four to five hundred fighting men (Bolton, *Texas in the Middle Eighteenth Century*, p. 282).

of the priests met at first with some measure of success, but after a few years the mission came to be practically deserted, and was entirely abandoned by the neophytes, it seems, by 1781. For eight years after that date the Indians refused to live at Rosario, until the persistent labors of Captain Manuel de Espadas of the presidio of Espíritu Santo bore fruit, and a number of the apostates again took up their residence at the mission.

By 1790 Nuestra Señora del Rosario was formally re-established, and prospects were bright for further success. This re-founding of Rosario was the first step in a revival of missionary activity among the coast tribes, which was to have as its main object the conversion of the group known as the Karankawa. No sooner had Rosario been placed again in operation than a movement began which was to result in the founding of the last of the Texas missions during the Spanish régime, that of Nuestra Señora del Refugio or Our Lady of Refuge.⁴

Apostles to the Karankawa.—It is an interesting fact that the final outburst of missionary zeal in provincial Texas was due largely to the influence of a priest who had passed from the field of action many years before. This man was the venerable Father Margil de Jesus, to whom is rightfully due a large share of the credit for the Spanish occupation of Texas. He had gone to Texas when the province was reoccupied in 1716, and became president of the first permanent missions founded there. One of his final behests to his fellow priests in the missionary college of Nuestra Señora de Guadalupe in Zacatecas had been that they should never abandon the work of conversion among the Texas tribes.

Fray Margil's pious interest in Texas made a deep impression on Father Manuel de Silva, who many years later, in August, 1790, was elected Commissary and Prefect of the missions administered by the Zacatecan College, which was given exclusive control of the Texas mission field after 1767. Father Silva had worked for many years in the missions of New Spain, and was one of the most capable of the many sincere and zealous priests

⁴A detailed account of the early missionary movement in the coast region of Texas is given in H. E. Bolton's *Texas in the Middle Eighteenth Century*, pp. 283-324, *passim*.

who endeavored to spread the doctrines of Christianity among the native tribes.

Recalling the admonitions of the sainted Fray Margil, Silva resolved after his election as Prefect to make the Texas mission field his first care. In November, 1790, he set out for Texas to investigate the general conditions of the missions there, and to make plans for their improvement and extension. He was accompanied by Father Joseph Francisco Mariano Garza, a priest who had spent many years in missionary work in the Texas field.⁵

The two priests arrived at San Antonio in January, 1791, and at once began their survey. They found practically all of the missions in the province in a deplorable state.⁶ Among other calamities they learned of the repeated murders, robberies, and other atrocities that were being committed by the Karankawa and other tribes along the coast of Matagorda Bay. Although a few of these natives had been induced to live in the missions of Rosario and Espíritu Santo during the previous year, most of them remained uncompromisingly hostile.⁷

Knowing of the long continued and fruitless efforts of the royal government to pacify the coast region, Father Silva concluded that he could not find a more laudable or more useful task than the conversion of the unruly Karankawa. He therefore resolved to give preferential attention to the establishment of missions for that group of tribes.⁸

Preparations were soon completed by Father Silva for a personal inspection of the coast region. From San Antonio, still accompanied by Father Garza, he made the journey to the presidio of Espíritu Santo. The first step taken there was the sending of emissaries in the persons of some of the converted Indians already living at the newly restored mission of Rosario to work among their heathen kinsmen, and assure the latter that the

⁵Silva to the viceroy, March 10, 1792 (MS. in the General Archive of the Indies, Seville, Spain, Audiencia de Guadalajara, estante 104, cajón 1, legajo 1, pp. 1-2). Transcripts of the documents cited from this source throughout the present study are to be found in the Manuscripts Division of the Library of Congress.

⁶Manuel Muñoz, Governor of Texas, to Comandante General Nava, January 26, 1795 (Guadalajara, 104-1-1, p. 1).

⁷Silva to the viceroy, March 10, 1792 (*Ibid.*, pp. 2-3).

⁸*Ibid.*, p. 3.

Spaniards wished to be friends. These overtures were so successful that within a few days the Indians began to visit the presidio. In return for the hospitality that was dispensed them, they invited the priests to return with them to their own homes, promising to observe faithfully the truce that had been established. Father Silva accepted the invitation, and visited several Karankawan camps on the coast, at one of which the entire population promised to maintain friendly relations with the Spaniards.

Both Fathers Silva and Garza were so much encouraged with their initial success and were so certain of the good faith of the Karankawa that they decided to visit other tribes along the coast, among which were living some of the apostates from the missions of Espíritu Santo and Rosario. A number of these Indians were persuaded to return to Christian life, and others promised to follow their example. Having concluded these preliminary labors, the two priests took up their abode at Rosario mission, where they prepared a report of their activities for the viceroy in the City of Mexico, and formulated plans for their missionary campaign.⁹

The Temporary Founding of Nuestra Señora del Refugio.—At this juncture Father Silva was recalled to Zacatecas to preside over the provincial chapter meeting of his order. Father Garza, who in the meantime had been assigned as minister of Espíritu Santo presidio, was fully authorized to proceed with the work of conversion among the Karankawa.¹⁰ Father Silva instructed his subordinate to work in close co-operation with the military authorities of the province, especially with Governor Muñoz, and to take no definite action without their approval. By such measures the Prefect doubtless hoped to avoid the friction between the ecclesiastical and military authorities, which had proved to be the ruin of more than one missionary enterprise in Texas during the earlier history of the province.¹¹

Father Garza, trained by long experience on the frontier,

⁹Silva to the viceroy, March 10, 1792 (*Ibid.*, pp. 3-4).

¹⁰Nava to the king, November 6, 1794; Muñoz to Nava, January 26, 1795 (*Ibid.*).

¹¹Silva to the viceroy, March 10, 1792 (*Ibid.*, pp. 4-5).

seemed to have gained much influence among the coast tribes from the outset. In May, 1791, a number of deserters from the missions of Rosario and Espíritu Santo visited the priest, promising to return to the fold if he would go with them to the *ranchería* of their kinsmen on the San Xavier River, and persuade the latter to accompany them. With a special escort furnished by Governor Muñoz, Father Garza set out on this trip for the double purpose of reclaiming the fugitive neophytes and of investigating more thoroughly the possibilities of the Matagorda Bay region as a site for the new mission planned for the Karankawa. At the junction of the San Antonio and Guadalupe Rivers he selected a tentative location, to which he gave the name of Nuestra Señora del Refugio. Thus was determined the name and first site of the mission conceived by Father Silva.¹²

Father Garza did not abate his efforts to win the friendship of the Karankawa, and in October of the same year made another trip along the coast. He again visited the place that he had called Refugio, being met there by almost two hundred Indians of the tribe in question, led by the chiefs Fresada Pinta and Llano Grande. The natives now asked that a mission should be built for them, and promised to make it their permanent home. "If you build a mission at the mouth of the Guadalupe River," said one of the chiefs to Garza, "the whole coast is yours."¹³

The site which had been selected by Father Garza, probably at the instance of the natives themselves, was squarely at the junction of the Guadalupe and San Antonio Rivers, some eight miles from the coast and in the locality where the Karankawa were accustomed to pitch their camps for the greater part of the year. From this time on it seems to have been definitely regarded as the future location of the new mission.

Greatly encouraged by the progress he had made, Father Garza returned to Espíritu Santo, where he drew up full reports for the viceroy, for Silva, and for Governor Muñoz. In these letters he besought formal permission to proceed with the founding of the mission. This authorization was not long delayed, for on

¹²Muñoz to Nava, January 26, 1795; Nava to the king, November 6, 1794; Silva to the viceroy, March 10, 1792 (*Ibid.*).

¹³Silva to the viceroy, March 10, 1792 (*Ibid.*, p. 8).

December 31, 1791, the viceroy gave his assent to the plan, instructing Garza directly to construct the necessary buildings and to provide the customary ornaments and supplies for divine service.¹⁴

More than a year was to pass, however, before the necessary funds and supplies, insignificant as they were, could be made available. In the meantime Father Silva, in Mexico, was doing everything possible to hasten the actual execution of his project. In a long letter to the viceroy, dated March 10, 1792, and written before he had been informed of the success of Garza's petition, the Prefect had set forth a number of reasons why a mission should be founded at the place called Refugio, and also revealed his ambitious plan for the evangelization of the whole coast line of Texas.

The building of a mission at the confluence of the San Antonio and Guadalupe Rivers, Silva said, would open up water communication between Matagorda Bay and Espíritu Santo, as well as with more inland points in the province. With such a mission to supplement the work of the re-established mission of Rosario, the coast region would be protected as far north as the Colorado River. The work of conversion and pacification would then be facilitated among other branches of the Karankawan group, as well as among the Orkokisac, the Tawakana, the Tawash, and the Comanche. Father Silva also suggested measures whereby the necessary funds could be raised. He recommended the secularization of the missions of San Antonio de Valero and of Nacogdoches, and the consolidation of four of the missions at San Antonio into two. With the economies resulting from these changes, money would be available for Refugio without extra expense to the royal treasury.¹⁵

The raising of these various questions delayed the actual founding of Nuestra Señora del Refugio until reports could be received from the provincial officials in Texas. All of Father Garza's recommendations were approved except that which concerned the secularization of Nacogdoches mission. To this step the acting

¹⁴Silva to the viceroy, March 10, 1792; Muñoz to Nava, January 26, 1795 (Guadalajara, 104-1-1); Muñoz to the viceroy, February 27, 1792 (Nacogdoches Archives, No. 81, Texas State Library).

¹⁵Guadalajara, 104-1-1, pp. 12-17.

governor, Conde de Sierra Gorda, refused to give his assent.¹⁶ That official also advised that the construction of new missions be confined to Refugio, already authorized by the viceroy.¹⁷

The customary amount of red tape having thus been unwound, there were no further obstacles to the founding of Refugio. The formal beginnings of the mission were made on January 31, 1793. Only the absolutely essential buildings could be constructed with the meager funds available. Father Mariano Velasco, who assisted Father Garza in the work of founding, was appointed the first regular minister of the new establishment. The site was at Cayo del Refugio as chosen by Garza more than a year previously.¹⁸

For a temporary mission, Nuestra Señora del Refugio seems to have been fairly well equipped. During the year 1793 a few additional buildings were constructed, but up to September of that year the total results were still pitifully meager. There were six small wooden buildings thatched with grass and straw, a corral for the cattle, and a large frame shed built to protect the miscellaneous materials that had been assembled for the construction of a permanent church. All was surrounded by the usual stockade. The total expense that had been incurred amounted to about six thousand pesos. No figures are available as to the number of Indians in residence at the outset.

Agriculture and cattle raising were the only industries planned for the neophytes. The Karankawa were not fitted for the more highly developed occupations, such as weaving, pottery making, tanning, etc., carried on at other missions in the Southwest. The aim at Refugio seems to have been to allow the Indians as much ease as possible during the first year until they should be attracted to and feel contented with their new mode of living. It would be difficult to conceive of less promising material for converts

¹⁶Governor Muñoz was temporarily suspended from office pending the investigation of certain charges made against him.

¹⁷Informe of Sierra Gorda, September 7, 1792, cited in Nava to the king, November 6, 1794 (Guadalajara, 104-1-1). See also Historia 100, expediente 47, folio 8 (University of Texas transcripts).

¹⁸The first site of Refugio is shown in the excellent map accompanying Bolton's *Texas in the Middle Eighteenth Century*. The date of founding is erroneously given there as 1791, but is correctly given by Bolton in *THE QUARTERLY*, XIX, 400, 404.

than were these fickle and degraded natives of the lower Texas coast.¹⁹

The Removal and Permanent Establishment of Mission Refugio.—The small establishment that had been made at Cayo del Refugio represented only the meager beginnings of the ambitious plans that were entertained by Father Silva for the revival and extension of missionary work in Texas. The founding effected by Garza at the junction of the San Antonio and Guadalupe was intended to be only temporary for the purpose of retaining some slight hold over the shifty Karankawa until more permanent arrangements could be made. The news of the actual founding, however, was the signal for Father Silva to begin his campaign for royal aid in the promotion of his larger program of expansion.

On account of a change in the administrative organization of the northern provinces of New Spain, authorized by royal decrees of November, 1792, Texas had again been removed from the immediate control of the viceroy and restored to the jurisdiction of the Comandante General with headquarters at Chihuahua.²⁰ This change of jurisdiction doubtless explains the action of Father Silva in appealing directly to the king for aid in his plans for Texas. Early in 1793 he wrote a memorial to the king asking that the Comandante General should be instructed to assist the mission movement in every way possible. In this letter Silva pointed out that the mission at Refugio was inadequate for the large area which it was designed to influence, and asked for authority to establish an additional mission for the Orkokisac Indians, about eighty leagues northward from Refugio. Such a step would strengthen Spanish sovereignty in the north, and place a further barrier against the French of Louisiana, with whom Spain was now at war.²¹

¹⁹The foregoing information has been drawn from the following documents: Juan José Faxiar to José Manuel de Castro, September 18, 1793 (Béxar Archives, University of Texas); the viceroy to Governor Muñoz, March 27, 1793 (*Ibid.*); the secretary of the Council of the Indies to Garza, undated memorandum (Guadalajara, 104-1-1); Nava to the king, November 6, 1794 (*Ibid.*).

²⁰Nava to the king, November 6, 1794 (Guadalajara, 104-1-1, p. 7).

²¹Silva to the king, March 7, 1793 (*Ibid.*); Silva to the secretary of the Council of the Indies, March 18, 1793 (*Ibid.*).

After making these direct appeals for royal support, Father Silva began to raise funds to place Mission Refugio on a permanent footing. In August of 1793 he returned to Texas, carrying with him ornaments and furnishings for the church, together with sorely needed supplies for the neophytes.²² He found that sporadic building activities were still in progress at Refugio. Father Velasco was laboring faithfully in spite of the discouraging features that had already begun to manifest themselves.²³ Many objections were now being urged against the site of the mission. Situated on low ground near the coast and surrounded by stagnant lagoons, it was said to be infested by constant swarms of huge mosquitoes, and was consequently considered very unhealthful. It was likewise urged that more land was needed for agricultural purposes and better homes for the priests and neophytes. Because of these conditions the Indians were becoming discontented, and only with great difficulty could they be prevented from deserting in a body. It was the old story of the instability and fickleness of the childish-minded natives.

There seemed to be little difference of opinion, however, as to the undesirability of the site that had been chosen, and in September, 1794, a petition was sent to Comandante General Nava requesting authority for the removal of the mission to a better location. The question of removal brought up many unsettled problems relating to Refugio, which the Comandancia General now tried to solve. A full investigation of the whole movement was therefore ordered by Nava, as a result of which Governor Muñoz was instructed to seek a new site for the mission.²⁴

No details are available to the writer in regard to the removal, but it is clear that on January 10, 1795, Cayo del Refugio was abandoned for a place known as Aranzazu or Santa Getrudis, described as being located some ten or twelve leagues south of the

²²Muñoz to Nava, January 26, 1795 (*Ibid.*). The viceroy had supplied Silva with funds to the amount of two thousand pesos, but all further needs had to be met by the Comandante General as Texas was no longer directly dependent on the viceroy.

²³Silva to Muñoz, February 13, 1794 (Béxar Archives).

²⁴Nava to Muñoz, October 13, 1794 (Béxar Archives); same to same, October 23, 1794 (*Ibid.*); parecer of Auditor Galindo Navarro, November 6, 1794 (Guadalajara, 104-1-1); Muñoz to Nava, January 26, 1795 (*Ibid.*); Nava to the king, October 6, 1795 (*Ibid.*).

presidio of Espíritu Santo.²⁵ The name "Refugio" was transferred to the new locality, and has been perpetuated in the modern town of the same name, founded in the same general vicinity.²⁶

Father Silva continued to give his personal attention to the enterprise, and in spite of continued difficulties in the way of lack of funds and supplies the mission establishment slowly took on its typical form. Near the end of 1795 Refugio appears to have been permanently established at its new location and in regular operation, there being eighty-two Indians on the mission roll.²⁷

Four years had been required to effect this last feeble missionary movement in Texas. What had been accomplished fell far short of the original aims of Father Silva, who had endeavored to keep faith with the lamented Fray Margil de Jesus. Nuestra Señora del Refugio continued to exist, however, throughout the remainder of the colonial period. Its failure to achieve important results was due not to the neglect of those who had labored for its establishment, but to the utter helplessness of the failing Spanish monarchy to lend its support. In its humble way, nevertheless, the mission served to propagate the doctrines of Christianity and civilization among the natives of the coast region, and its record may well be cited as a further evidence of the enterprise and ever fervent piety of the pioneers of the Church in the Spanish Southwest.

²⁵Nava to the king, October 6, 1795 (Guadalajara, 104-1-1).

²⁶See map accompanying Bolton's *Texas in the Middle Eighteenth Century*. The date given on the map is obviously incorrect.

²⁷Cortez to Muñoz, October 23, 1795 (Béxar Archives).

JOURNAL OF LEWIS BIRDSALL HARRIS, 1836-1842

III

After resting a while my brother and myself concluded to build a house on the site of the one burned by the Mexicans. The great difficulty was lumber. The saw mill built by my father in Harrisburg was burned by the Mexicans, but hearing that the Sawmill at Lynchburg about 20 miles below, at the mouth of Buffalo Bayou and the San Jacinto river, would soon be started up, we concluded to build of logs and by the time the mill would be ready we could get our cribs up and roof on and be ready for the flooring etc. We procured four additional Mexicans and axes and started them to cutting down pine trees of suitable size, and cutting them of the right lengths. It was amusing to see them use an axe, something they had never seen before. Of course they spoke no English and we spoke no Spanish and everything had to be done by signs, but I soon learned enough Spanish to be able to get along very well. We were rather aspiring in our ideas of a house and concluded to build it the same size and shape of our Grandfathers house in Seneca Co. N. Y, only not as high, (that was 3 stories,) which is 56 feet long by 36 feet wide, divided into four rooms 22 by 18, and a Hall thro' the center 12 feet wide. There was not a carpenter to be had in the country, the nearest to it was an old dutchman Henry Tushmaker called "Dutch Henry" who was in the battle of San Jacinto and was wounded with a bullet in his powder horn, which he always carried slung around his shoulders and exhibited on all occasions. The ball was a spent ball and remained embedded in the horn where it lodged. We procured Henry to hew the logs which he did fairly well after they had been scored by the Mexicans. We finally cleared away the debris of the old house and set the Mexicans to preparing the foundations. One of them attracted my attention by getting down on his knees and gathering a lot of twigs and commenced puffing away at them, and said "blow blow blow" and pointing to the logs lying around said, "chop, chop, chop." I found afterwards that he was one

of the very men who had under order set fire to the house he was now rebuilding.

I found one of the Mexicans quite handy with cattle and we broke in with the help of a yoke of gentle oxen enough others to haul our hewn logs to the place. We found it a more difficult matter to get our saw logs into the water, but finally managed it, and got enough to make a raft, which by the help of two of the mexicans who became expert oarsmen, we towed to the saw mill at Lynchburg, and had them sawed up into flooring and boards and rafted the lumber back. We built our house on large oak blocks several feet from the ground, making "4 pens and a passage," until we got it to the proper height for the first story, when we cut our logs the full length 56 and 36 feet, determined to have one room the full size of the house. The roof consisted of peeled pine poles hewed on one side, with split laths on which we laid split boards 3 feet long. Of course it took us a long time to do all this work with the facilities we had at hand, and it was not in a condition to be occupied until the winter. We also built a kitchen of logs about 18 by 20 with a loft, in which we lived for some time before our big house was ready to occupy. This had a large fire place in one end and a chimney of sticks plastered with clay.

In attending to having my lumber sawed at Lynchburg I made the acquaintance of a very pleasant family consisting of Col. McComb, whose father was Gen. McComb of the U. S. Army. He had a daughter about my age who, tho' not handsome, was very bright and intelligent and cultivated, sang and played well and learned and played for me a piece of music which I found on the battle ground of San Jacinto. She would some times go up home with me in my skiff rowed by the two Mexicans and they would make the skiff hum, sometimes making the distance in 3 or 4 hours.

As I kept no notes after this what I write of my life in Texas will be from memory and written long after the occurrence, and I will mention some things which I have not spoken of in my personal narrative.

My father after being engaged in business in St Louis and at what is now Montgomery met Col. Austin in New Orleans, who

induced him to go with him to Texas where he had concessions from the Mexican Government for colonization. My father liked Texas so well that he concluded to establish himself there. This was in 1824. He built a house at Harrisburg—the one burned by the Mexicans and also built a saw mill there. He located a league of land including the townsite, which was considered at the very head of navigation on Buffalo Bayou for here any vessel that could cross Redfish and Cloppers bars would come, and no further. He also received several other large concessions of land from the Mexican Gov't had a large store of goods at Harrisburg and was trading between there and New Orleans doing a prosperous business. . . .

In 1829 my father died of yellow fever at New Orleans, and my grandfather Birdsall went to Texas to look after his estate, but his health was poor and returned without getting any satisfaction. In 1833 my mother determined to go herself, and taking my elder brother who was then only 18 years old, she went and took possession of the house, and my brother went to merchandizing, waiting until matters should be more settled, as everything was in confusion and culminated in 1835 when the revolution took place and was consummated in 1836.

In the Fall of 1836 Congress met, organized counties and fixed the seat of Government at Houston. There was a universal desire to fix it at Harrisburg. Houston was 15 miles up the Bayou and it took weeks of cutting away logs and trees before they could get up with a yawl boat, but after great labor and cutting off the point of White Oak Bayou they got a small steamboat there and were able to turn it around.¹

When Harrisburg, afterwards Harris Co,—was organized my

¹The death of John R. Harris was followed by an administration upon his estate based upon trumped up claims. Texas was then under Mexican government, the courts in the hands of a few men, and everything unsettled. The heirs of John R. Harris filed suit against the administrator and Harris and Wilson, begging the court to set aside all former proceedings on account of fraud; postponements from time to time kept the case pending for years, until finally in 1838 it was settled by compromise. This litigation, more than anything else, prevented the location of the new seat of government at Harrisburg at the time when this honor was bestowed upon Houston. Its situation at the head of navigation on Buffalo Bayou made it by far the better site at a period when water transportation was without a rival.

brother was elected county clerk. My Grandfather and Grandmother and Uncle Maurice Birdsall and my sister came out about this time and my sister married afterwards Capt. Andrew Briscoe, who was at the head of a Co. at San Jacinto, and had been my brothers partner in business.

When the courts were organized Capt. Briscoe was made County Judge, and as the County seat was also fixed at Houston, Judge Briscoe and wife, my brother and myself went there, and I went into my brother's office as deputy. His health failed him and he was advised to go north, and the supervisors appointed me County Clerk pro tem, and upon his return they elected me County Assessor; everything about both offices was new and we had nothing to guide us but the statutes and the lawyers. Some of them did not know much law or much precedent, but we got along very well and made money hand over fist, but it was "Texas money," it did very well at first and passed current at par, but before annexation it got so low that I used to stuff it in between the logs of my room in bundles.

In assessing the property of the county I had various experiences. The county took in the present county and the county of Galveston, but as there were no improvements on Galveston Island then, I did not have to go there. As none of the people had been assessed before I had great difficulty in explaining to some of them the necessity and the object of my work. Old Mrs. McCormick, owner of the land on which the battle of San Jacinto was fought, at first would hardly let me come into her house, and said her land was not worth anything after being covered with dead Mexicans, and being Irish, was especially opposed to tax gatherers.

The country was sparsely populated and I had chills and fever every other day, but as they came on regularly about dark, on my chill days I would make my destination and get to bed and have my chill and fever, and get up next morning and ride 25 or 30 miles. This went on for weeks when I stopped at a house and told the lady of the house that I wanted to get to bed as I would soon have a chill. She said, "get into bed and cover up warm," and she soon came with a bowl of hot toddy and told me to drink it down and cover up head and ears and keep so. I

followed her instructions, was soon in a profuse perspiration and as it was kept up I had no chill, and whenever my chills returned I repeated this prescription and was finally relieved of them entirely. As the remedy is a pretty severe one I would not recommend it only in extreme cases. Gen. Houston, the president, was a frequent visitor at our house in Harrisburg, and was quite a friend of mine and urged me to take the office of Post Master at Houston. After the term of my brothers office expired I went to Harrisburg and lived, engaging in farming and lumbering, running saw mills etc. At one time I had two saw mills running and attended to cutting the logs, hauling them, rafting, sometimes attending the engines or saws, shipping the lumber to Houston or Galveston, and worked night and day, but the profits were small. In June 1846 I married Jane Wilcox.

During all this time the Mexicans made frequent inroads upon the Western settlements and each able bodied man kept himself in readiness to respond to any call to go and repel them on two or three of these occasions I went with others, but before we could come up with them the Mexicans would retreat into Mexico. On the last expedition it was determined to follow them across the border and the famous Somerville expedition was fitted out. Each one equipped himself with horse, rifle and side arms and three or four would join together and furnish a pack mule. The Mexicans [in 1842] had come into San Antonio and taken the Judge prisoner and had come nearly to La Grange where they ambushed a party of 25 or 30 Texans, and killed nearly all of them, and then retreated to the Rio Grande and got away with small loss. I was in the Co. of Cap't Lowery and was orderly sergeant of the Co. We "took" Laredo but without a fight. We crossed into Mexico and laid several of the towns under contribution for provisions etc, but found no troops. We fell down the river on our side opposite Guerrero and determined to cross and lay that town under contribution. Our scouts had seen quite a force near there and we expected some warm work. When we came to the crossing the boats had all been removed. We found two "dugouts" which would carry 6 or 7 men each, and it was determined that the advance should be made by crossing enough men in these two boats to go up the Geneva river and get the

ferry boats which had been removed by the enemy. My company was at the front, and I being the orderly of the Company who always marched at the head, made it my place to be in one of these two boats to cross over; it would have been under other circumstances and with other than Mexicans for foes a foolhardy thing to do, but as it was, we crossed almost in the face of them, at first landing only 12 men. We had to sit in the bottom of the canoe each with his rifle across his knees and were not allowed to touch the gunwales or the frail craft would upset. In this way we were paddled by one man in the stern across the river, and landed on the Mexican side. As soon as our Co. got safely across, about 50, we marched up the small stream which emptied into the river just below, and found two ferry boats, which were soon brought to the crossing and the whole force taken over; the Mexicans kept at a safe distance and made no attack, altho' they made several feints and kept us on the *qui vive*.

At this time we received a peremptory order from Gen. Houston to return and not advance any further into Mexico. We laid Guerrero under contribution however, and got a small lot of provisions and then recrossed the river; there was intense disgust felt by the whole force and at one time it looked as though there would be a general revolt, but better councils prevailed. There were a few more hot headed, who determined to separate from the command and cross the river, and, as they expressed it, rake down the settlements on the Mexican side and bring in as many cattle and horses as they could manage.

I don't know what I might have done, but I had been suffering for weeks with what I suppose was a carbuncle in one of my legs; there came a swelling like a boil which came to a head and the core left a hole in my leg nearly an inch in diameter in which one could almost see the cords. I had to keep a poultice of slippery elm bark, laudanum and charcoal on it constantly, and rode with my leg resting on my horses neck. Otherwise, I too, might have joined the party, for I was very much disgusted with the order. I divided all my ammunition with two boys 16 or 17 years old, one named Beal. I think there were 30 or 40 left us. We started on our return trip as disgusted and demoralized a set as you ever saw. We had no provisions of any kind. We had

killed all the cattle which we had driven with us and were dependent on what game we could pick up; to make matters worse, on our return our guide, an Indian, got bewildered in the dense chapperal, which we encountered and through which we endeavored to cut our way, the sun was obscured and the chapperal was so thick that one could not tell in what direction he was going, our line had to go in single file and we found that when night came we had come around very nearly to the point from which we started in the morning. We were in the chapperal several days. When we emerged, we were entirely out of provisions of any kind, my mess consisting of 9 men had killed and eaten a yearling colt the last resource we had except the horses we rode, which would have been very poor eating. Many cooked their cowhide packing "aparahoos" or large pouches for packing their provisions; there was such a large body of us that it was almost impossible for any of us to find game, but on one occasion several of us got a shot at a buck, and as it fell, we—being in a hurry, as we were some distance in the rear of the line—each gathered a leg of the deer and skinned down to the back, and as each one let go to get in position to take out the entrails the deer jumped up and ran the skin flapping as it ran. "Ha! Ha!" exclaimed Ben McCulluch "thats the Devil sure." In fact we were all so startled and it was such a strange occurrence that for a few moments we stood and looked at each other in dumb amazement, but one of us who had venison steaks in his vision, took up his rifle and followed, a shot soon brought us up to him where he had shot the deer again, where he found it lying down. This divided out among us four, and divided among our messes did not go very far. One of our party succeeded in shooting a sand hill crane at a distance 130 yards, and that we made into soup to make it go as far as possible.

I was not in a very good condition for hunting, but concluded I would try it one evening, and dropping behind the command I started out. I had not gone far before I saw a fine large buck standing within easy range looking after the retreating troops. I took a steady aim feeling sure of venison steaks for supper, and pulled the trigger, when snap went the cap and off went the deer. My heart dropped into my boots, and I had to hurry up and

catch the command, and we did not get any other chance at game for 4 days. We came to Attascosa creek about sun down, and we heard turkeys flying into the trees; by this time the command was broken up and each party shirked for himself. Our mess had kept together. We soon struck camp and each one of us started for a turkey, and I suppose as each one thot he would be the only one that would get one, we all stayed out until each of us did get one. We soon had a rousing fire and we soon had each our turkey on a stick stuck in the ground and before the fire. We did not do any seasoning, for we did not have even salt, but as a piece became cooked we cut it off and found it very palatable without salt, and I think there was no time during that night that you might not have seen some one eating turkey, and by morning there were nine turkey skeletons resting around the camp.

We soon got into San Antonio where the balance of the command all straggled in, and while at a supper given by Mrs. [no name] news came that the party under Gen. Tom Green which had seceded from us, had all been taken prisoners at Mier, a small town below Guerrero, after a hard fight, the Mexicans as usual getting the men to surrender under false promises; this of course cast a deep gloom over us. We all had intimate friends among them; these men instead of being sent to Matamoras and from there home as promised, were marched into the interior and confined in barracks where they afterwards rose up on their guards and regained their liberty, only to fall into the hands of the Mexicans again, after untold hardships from hunger and thirst in a country entirely strange to them and devoid of water and the means of sustaining life. Most of them had to come in and give themselves up and they were then decimated and shot; the Mexicans put white and black beans in a receptable, a bean for each man, every tenth bean was a black one; the men were compelled to draw out a bean, and those who drew black ones were shot and the others were finally allowed to go free. Those who were to be shot walked out and showed such manliness and firmness that they commanded the admiration of the Mexican officers; the two boys with whom I divided my amunition, I was told, showed remarkable coolness and bravery in the battle at

Mier, they would walk out in full view of the enemy and kneel on one knee and take deliberate aim, and always brought down their man, they would step back and reload and step out again; their action attracted the attention of the officers in command, and when they had surrendered they took the boys with them and showed them every kindness. I was told one of them was adopted by the Mexican Commander and remained in the country permanently.

This expedition was in the winter and altho my mess started pretty well provided, our animals became so reduced that we had to abandon our tent, so that we slept on the ground in the open air. I have left the imprint of my body on the ground where I had slept over night, and in a short time after I got up it would fill with water. On our return we had to cross branches and sloughs of the Nueces River 8 or 9 times, each time swimming by the side of our riding animals; this was on Christmas day, and with my leg in the condition it was it is a wonder how I ever got through, but the boys were very kind, they would push ahead, and by the time I got to camp they would have a rousing fire so that I could dry my clothes.

When we had got about 100 miles from the Rio Grande on our return Cap't Jack Hayes discovered that his fine clay bank horse, a present from Tennessee, had got away and gone back. He determined to go after him, so he mounted another horse and went back alone. When he came back with his horse a week afterwards he said that he found him in the stable where he had kept him at a Mexican Ranch; he slipped in at night and took him out without being discovered by the Mexicans, who had all returned to the ranch, and brought him back in triumph.

This was the last expedition I was in. I travelled a good deal thro the country and made one trip to Austin soon after the seat of Gov't was located there. In this trip I was alone, on a fine large horse. I stopped at a house near Washington on the Brassos, my proper route was to La Grange on the Colorado River and then up the river among the settlements to Bastrop, but during the evening the landlord said that about 80 miles could be saved by taking the Goshen trace, which left his place and went straight thro' the country to a point on the San Antonio

and Nacogdoches road near Bastrop, but that there was no habitation in the whole distance and that the country was the favorite haunt of the hostile Indians. There were a couple of Mississippians there, who were on their way to Austin, and I persuaded them that it would be perfectly safe for 3 of us to take this route, so next morning we were put on the trail as soon as we could see,—it was mid winter—after we had been well provided with lunch. All went well for about 20 miles. We found a trail that far and then it gave out. Our route being thro' scattering timber we foll[ow]ed by the blazed trees for 10 or 15 miles farther, when they could no longer be found. I knew the course and told my companions that if they would trust to me I would take them thro' all right, and struck out at a good round trot taking the sun for my guide. I had already cautioned them to observe the strictest silence and we made so little noise that we would some times come up to deer within 20 yards without disturbing them; but one of the men declared I was bearing too far away from the river and he would strike out for himself. I divided the provisions and pushed on with my one companion, but I noticed the other man did not go off far from us and finally fell in behind. When the sun went down I took a star and travelled by it and kept my course and directed my companions to keep a sharp look out for any appearance of a road crossing our path; this road not having been used for years I knew would be pretty hard to find in the night and everything depended on our finding it. About 9 o'clock we came to it and altho' covered pretty much with dried grass I made sure it was what we were looking for and took it and pushed on towards the river, feeling very confident that it would take us into Bastrop, and I was not disappointed. We got in there about 11 o'clock. After putting up our horses we went into the Hotel and while getting something warm several men came up and as usual asked where we were from, and what news etc. I remarked that we came from Houston, told some news about what had occurred at Washington the evening before; they looked at me and said "you cant mean yesterday," I said, "yes." They asked, "how could you come 160 miles since yesterday evening," and when I told him we had come by the Goshen trace, they would hardly believe it. "Why,"

they said, "the place is full of Indians, and yesterday they killed a family only about 20 miles below here on this side of the river, and you could not come through there once in 50 times and not meet Indians.

It was a pretty hard ride of 80 miles, so next morning I concluded to change from horseback to buggy, and got one and put my horse in, and started for Austin. In fording the Colorado the water came up into the buggy and was very swift; about the middle of the river the traces broke, and my horse went to the end of the shaft and turned around. I was still holding the lines but pulling thro' the ring was pulling him away from me instead of towards me, and I was in a fix. I was afraid to get out of the buggy fearing the current would take me away. I finally spoke to my horse, and he marched right out to me, when I took a rope and fastened to the shafts, and holding on to it jumped on my horse and he took the buggy ashore. The Indians came into Austin while I was there and took all the straps out of Major Brigham's harness and carried away a number of horses.

[The Journal ends here. The letters which follow describe the beginning of the writer's journey to California.]

Onion Creek,
Camp Near Austin
May 3rd. 1849.

Dear Clint

I suppose you think we ought to be half way to California before this, but we have moved along very slowly, partly from choice and partly on account of bad roads, but since arriving in the up country we have found the roads good and been able to travel from 18 to 20 miles a day. We all have enjoyed excellent health altho we have been in one very heavy storm, and two or three small ones, but we weathered them out without any difficulty, and have met with no bad luck or breakage, except a wagon tongue, and that I was glad of as we got a good one by the means. If I can get in with Thompson's Company in which are 3 or 4 families viz (his own and one or two of his sons and daughters families) I think I shall go on with them. If I do not fall in with them, or if Worth does not go I think I shall give it up. One thing, I shall not undertake the trip unless I go with a company strong enough to go through, and composed of those in whom I have the greatest confidence, nor will I go with a company in which there are no families.

I saw Harbut and he promised to let me know how soon he

could come up in case I did not go on. I think I will go on to Fredericksburg and then determine what to do.

I will write from there and afterwards every opportunity. Our love to mother and all our folks.

Your brother

Lew B. Harris.

Austin May 4, We arrived here to-day and leave tomorrow. I found the folks here all well. Ann has a fine boy and they all pet it alike. Mr and Mrs. Raymond think as much of it as its mother.

L. B. H.

General Worth is dead, so says report.

Clinton.

Dear Clinton

In hopes of getting an opportunity of sending a letter from Paso by some of the guides sent on by Maj. Neighbors with Thompsons train I shall scribble a little to you so as to have it ready on an emergency and not be caught as we were when Maj. Neighbors came up— We were just nooning it, and all had so many inquiries to make and so much information to gain about the route that I for one could not spend time to write but a few lines. I thought when I started that I would have kept a journal of our route, but when I came to pay my attention to two head of animals and attend to the necessary camp and company duties, I found very little leisure to do so. I shall however make out a correct description of our route— the distance to water &c. and send by this. We have found the road so far a most remarkable one for the distance, after we pass'd Neighbors we came to only one large hill or mountain the ascent of which was very gradual, the descent was only sufficiently precipitate to occasion a little sport for the boys— by fastening ropes to the after axletree and a dozen men holding on, we came down with our whole team attached, and the same number of men half a day could render the descent perfectly easy by merely locking one wheel. The balance of the road ran through a valley and over a level country (until we came to the mountains of the Pecos,) we found two very pretty running streams after leaving the San Saba, one good Spring Creek (and it proved to be so to us for by negligence we lay all night without water for ourselves or animals the night before we came to it.) here we found the grave of poor young Fuller under a beautiful Live oak and the scenery about it very pretty and at the very verge of what I call the good country— After leaving this stream we crossed Farchehar Creek, another cool running stream. In 15 miles we came to the Concho a muddy dirty looking stream and the country poor and barren, where we struck it, but growing better as we ascended the valley until I began to think it was quite a pretty valley of

land. one thing certain there never was as much good land passed over by the same length of road as we have passed. After leaving the Concho we struck across the table land for the Pecos, the ascent to the dividing ridge is so gradual that you hardly know when you have reached it and begin to descend, the distance from the head of the Concho to the Pecos is about 65 miles and over as good a road as could be formed by the art of man, we came the distance in part of two days and two nights on account of water, and came through the Pass in the mountains in the night, a distance of about $\frac{3}{4}$ of a mile, and I believe I locked one wheel 3 times and would not then have considered it necessary if it had been day time. It was a most magnificent sight to see the long train of wagons and pack mules winding their way through the Pass by moonlight, the rocks almost overhanging them on either side and towering up for hundreds of feet into the sky, every object almost appearing ready to transform itself into an indignant Commanche or Apache ready to roll the rocks upon our heads for transforming their long used war trail into a good smooth wagon road. After getting through the Pass we struck the valley of the long talked of but little known Pecos, and I must say that so far (and we have travelled up it now about 60 miles) I would not pay taxes on one league of it if the Gov. would donate the balance to me. We have had nothing but one strong stream of dust and sand since we struck it and the sand now covers my ink as I write so as to make a sand box superfluous. The stream is at this time about as large across as Brays Bayou at its mouth but very deep—bluff banks running like a mill race and muddier than the Mississippi and the water is quite salty so that it is very disagreeable to use. We found our Boat here indispensable it answered a splendid purpose and crossed every thing in a few hours, in fact we were only detained here about 24 hours and that mostly on account of recreating our animals after the long march.

BRYAN-HAYES CORRESPONDENCE, II

EDITED BY E. W. WINKLER

HAYES TO BRYAN

Cincinnati O. June 6th 1850.

Dear Guy

Yours of the 10th, mailed the 18th, ult. I received this morning and shall begin a reply now as I hope to see this afternoon some gentlemen who can tell me something about the characters who are supposed to be connected with the Bank at Galveston.

Of course you are the better judge as to the wisdom of dividing Texas into two or more states. What I wrote as to my wishes in view of your personal prospects was penned on the supposition that the division was a thing likely soon to occur, and one which would be agreeable to the people of your State. If you deem the measure bad you will oppose it, but if beaten, I would still keep "my eye on the main chance." . . .

I think you ask too much for your claims in New Mexico. Don't haggle too much about price. Just now the North is good humored and liberal and you should make the best bargain you can, but *make it now the first chance*. There is no telling but gold placers will be found there, and if so you will be swamped by an influx of Northern workers such as crowded slavery out of California. The cry of disunion is grown to be very senseless and harmless. The thing is shown to be impossible. The border states will not permit it. No man could live in political strife [life?] anywhere along the line who would uphold the Nashville Convention. It may be a good hobby further South *and off North* but when [where?] the Division line is to be run the feeling is in opposition to it.

Joe Lake's friends have not lost entire confidence in him even since the failure of the Wooster Bank. He is a shrewd operator and was regarded as a man of integrity until within a few years. But he has had too many irons in the fire for safety—that is perhaps his greatest fault. What is his connection with the Galveston Bank, of course I do not know, but he is thought to have

a controlling interest in it. His son-in-law Mr Clem has charge of the office at New Orleans, and has been considered a good man. S. M. Williams another chief manager you know all about. The charter of the Bank at Galveston is regarded a great piece. The idea which has been circulated in Ohio about it is that real estate is the basis of circulation and *no redemption* required until the final winding up. Bills will have to be redeemed to give the thing credit but, it is said the law or charter does not require it. The upshot of it is, I would be careful about embarking my good name on such a craft with such a crew. In fair weather all will be well enough, but if trouble comes!

Where is Henry now? You have not mentioned him in any of your letters for a long while. Give my regards to all your family—not forgetting a kiss for little Mary.

As ever

R. B. Hayes.

BRYAN TO HAYES

My Dear Rud:

New Haven April 25th/51

I am here with Henry & my friend Tom Jack. They were with me in & around Boston. I shall leave for N York on tomorrow, thence to Baltimore & Richmond, to complete my business. I shipped some negroes to Texas before I left Baltimore. I return to complete my purchases, & if I am successful as I think I may be I shall not be able to return as I very much desire through Ohio. I am anxious to get back to Texas during the month of June. My election comes off on 1st August.

I passed through here on my way to Hartford the day after John Jones left I regret this very much, he is the brother of George *whom I love* & I recollect him very well when a chubby little fellow

Give my regards to Geo. [Jones] & Doc Case I want to see both very much. *Immediately* on recpt of this, write to me & direct to Care of Mills McDowell & Co N. York

Sumner the rank Abolitionist is elected [U. S. Senator] from Massachusetts the North will soon apply the feather that will break the Camel's back. Indeed, indeed, the free-states do not understand the state of things at the South the Union is in more danger than they believe it. In grt haste I am as ever

Your friend

Guy M Bryan

BRYAN TO HAYES

Peach Point (Gulf Prairie P. O.)

Brazoria County Texas Oct 13th/51

My Dear Rud,

Your letter has been before me a long time. I ought to have answered it long ago. But my mother's health & a long absence from home prevented. You have heard through Jones of the death of my mother, as he (George) saw Stephen in Philadelphia. Stephen & Eliza were to leave Phila. on the 5th of Oct. for Ohio & home. They would stop in Delaware; upon rec't of this if you write to some friend in Delaware they may tell you of their movements & you may meet them in Cin.

Dear Rud I have lost my mother,—a severe blow to me. I feel that the chief object in life is gone, that the strongest tie that bound me to life is broken. Life at best is a vapor, a puff. The more I see of it, the better satisfied I am that it is a shadow & most men are fools. Life has its duties & of course they must be discharged few find happiness here, tho all seek it.

My mother suffered much & long. She has been an invalid for many years. She died of consumption. There never was a more devoted & better mother to her children than was mine. When you were here, she was sick & you could not form a correct opinion of her merits. What a change disease makes in one's appearance mentally & physically. She died a Christian & resigned. I think that she had much to gratify her in her last moments. She left her children respectable & useful members of society, & many dear friends, which should have been evidence to her that she had not lived in vain.

I leave in a few days for Austin. I go there this winter more from habit & a sense of duty than from inclination. I hope that the clash of intellect may arouse me, but I feel that my loss is great, & life is not so valuable as formerly. It was *my mother* that encouraged me to effort.

I hope that you will not long be as I am a single man. Marry & have somebody to live for. An old bachelor's life is not as happy as that of a married [man] simply for the reason he has some one to care for.

I may visit you next summer. I cannot as yet tell. Love to

George. I will write to you when I have more leisure. Write after this to Austin.

Yours affectionately

Guy M. Bryan

BRYAN TO HAYES

Gulf Prairie P. O. Brazoria Co Texas

August 4th/52

Dear Rud

I have but time to say do not send on the men I wrote for as I have made arrangements which will enable me to do without them. I have seen Crosby & all that I can write on the subject of the certificates belonging to estate of Howell is that Crosby says he will relinquish all claim upon them when his expenses are paid

I have purchased 4000 head of cattle 150 mares & am improving a place just below my brother Austin where you & I hunted. Say to Fay not to send the workmen in great haste

Yours ever

Guy M. Bryan¹⁰

¹⁰Letters from some others of Bryan's schoolmates in Ohio will be printed in the notes to the Hayes' letters in order to show the feeling that pervaded this group of young men immediately preceding the outbreak of the Civil War. The originals of these letters are in the possession of Mrs. E. L. Perry.

The first letter is from H. Tudor Fay, a merchant:

Columbus [O.] April 26, 1853

Dear Guy

Your letter by your brother was very acceptable, particularly so for it relieved the suspense and anxiety occasioned by my not hearing from you for so long a period. . . .

I should have written you a few weeks since on the receipt of your letter, . . . but just receiving a large stock of new goods and attempting to go to housekeeping at the same time left me no leisure moments, but now the principal rush is over and we are nearly established in our new home. . . . My brother and I have taken a house together, in a very pleasant situation, where I shall be very happy to see all my old friends, but most especially should I be pleased to welcome my old and cherished, more than friend Guy Bryan. . . .

I hope you will keep your promise and make us that long expected visit this summer. . . .

You will scarcely know our good city of Columbus when you come to see us this fall. The increase of population, and improvements in every respect have been so great that you will fail to recognize an old acquaintance in its present appearance. Our State House, destined to be the finest in the Union, is in a fair way for completion. . . . We have also a good many railroads running through here, which enliven business of every description very much. Only come along and see with your own eyes the great change for the better which has taken place in our midst.

HAYES TO BRYAN

Cincinnati Nov 20, 1853

My Dear Guy

Yours of the 10th of October did not reach me until a few days ago. I hasten to reply and to tell you how deeply I sympathise with you in your great affliction. I have read the newspaper column containing news from Texas ever since the yellow fever broke out in Galveston with anxious interest fearing that I might see the announcement of the death of some one of your friends or family, but your letter contained the first intimation I received of the death of Mr Perry and Henry. Your father was one of the true men. His absence from the family circle, already broken by the death of your mother, destroys your childhood's home—the home where from earliest recollection you had “garnered up your heart” is forever gone. I cannot from any experience of my own realise the desolation in which this calam-

I hope you will keep me well informed as to your whereabouts and your doings and the political honors which are heaped upon your head (for I do not think you will ever be able to lay aside your passion for and interest in public affairs). Let me assure you everything relating to you will interest your old and sincere friend

H. Tudor Fay

BIRCHARD TO BRYAN.

Fremont [O.] Nov 16 /53

My dear Friend

I have just been shedding tears for the first time in a long time. I read from Rutherford an account of your affliction—your affliction is mine. I had looked forward to the time that I should visit your Old Homestead once more and meet the smiling faces of your happy Family, with more pleasure than anything else I could anticipate, but how sudden the change I need not try to write you or say to you how much I thought of your Father for no one could spend as much time with him as I have without being very much attached to him I regret I had not visited him once more in his life time but it is now too late I had hoped to get to Texas for a few week[s] this winter but shal not. I intended to have seen Stephen, Eliza and Henry when they were in Ohio but did not know where to find them. I hope you will be in Ohio soon If you should come to the state let [me] know If it is not convenient for you to visit me I will meet you in Cincinnati or any place you may name

My love to the balance of your Family You know I used to claim relationship with you all [Birchard's mother was an Austin, as was Bryan's.—Editor.] and since my visit to Texas the attentions I recd from your Family endeared them to me But enough if I was to look this over I mite not send it. Good By

Yours

S. Birchard

ity leaves one of your warm, deep and strong affections. The loved ones of the earliest family circle that I remember, though few in number all remain—all meet frequently and revive the pleasant memories of years ago and live over again the scenes of childhood. The sorrow that touched me nearest, the death of my sister's beautiful bright boy, lingers with me still, and yet what was that compared with what it would have been if he had lived to manhood retaining all that made me love him as a child and adding to it the interest and charm which binds us to those whom we have watched and counseled from the promise up to the fulfilment? Yet *this* must come far short of your grief when your father and your darling brother go away together into the other world leaving you to feel so sad and lonely in this. Henry was a noble boy. It does not seem so affectionate to speak of him as a man, though a man he was in the best and highest sense. But his career of happiness, usefulness, goodness—such it was, and apparently was to be—and I know no higher career—is ended before it scarce began, and though we may mourn, and wonder at these sad strokes we must try to bear up under them; our duties to ourselves and the living must be remembered even while our hearts are in the grave with the departed. Dear Guy, long before this reaches you the first sharp pang will be over. If seeing the familiar scrawl of your old classmate opens the fountain afresh let me hope that the assurance that your distant friend shares this sorrow with you may take something from the bitterness of your grief. The silver threads and the golden, how closely they are woven together in the web of this chequered life.

The letter which left you overwhelmed by such great grief found me in the enjoyment of a new and peculiar happiness, the happiness of a father over his first born—that first born a son—and the mother safe from her peril sharing his joy. Believe me Guy I did not feel the genuine touch of sympathy less keenly than I should have done if yours had found me in my accustomed mood, or even crushed by your kindred grief. I have written to Uncle since I received your letter. He will be pained as if men of his own blood had been stricken down. He often spoke of the happiness he enjoyed with Mr Perry, and always counted upon visiting him again and living over the winter of 1848-9.

My regards to all—Eliza, Stephen and his wife, "Little" Mary; she must be old enough to mourn the loss of her uncle and grandfather. All well at Columbus. Platt has been building a new home out beyond Mr. Kelley's, where he will have more house room and yard room. He has another son who I hope will fill the place of William.

Write to me as you find time. Believe me

As ever

R B Hayes

P. S. I have not seen George [W. Jones] since I rec'd yours. The last time I saw him a week or ten days since we talked a great deal of you. In the hard career of business he makes no friends like the friends of "auld lang syne."

H.

HAYES TO BRYAN

Cincinnati, Feby 9. 1854.

Dear Guy

You see¹¹ I have made new arrangements as to business. Rogers is a Phi Zeta, old friend, Corwine an easy clever fellow who brings a very large and lucrative business. So I am fixed to my

¹¹The sheet on which this letter is written has the following letterhead and professional announcement:

R. M. Corwine.

R. B. Hayes.

W. K. Rogers.

CORWINE, HAYES & ROGERS.

Attorneys at Law,

Selves' Building, Third Street,

Cincinnati, O.

The law firm of SMITH, CORWINE & HOLT having been dissolved, (Caleb B. Smith having retired from the practice, and R. S. Holt having removed to Nashville, Tenn., for the purpose of prosecuting his profession at that point,) R. M. Corwine succeeds to the business, and will continue the practice at the office of the old firm, Selves Building south side Third street, between Main and Walnut streets, Cincinnati, in connection with Rutherford B. Hayes and William K. Rogers, under the firm name of Corwine, Hayes & Rogers. The business of the old firm will be attended to by them.

Cincinnati, January 2, 1854.

The following letter is from Lorin Andrews, president of Kenyon College:

Kenyon College

Gambier, O. Apr. 18, 1854

Dear Friend Guy,

On my return to Gambier this evening, after an absence of two weeks, I was gratified by the reception & reading of your kind & welcome

mind. I write to say two things, after thanking you or Stephen for your Brazoria papers. 1st Uncle is unwell, too unwell to write, would greatly like to go to Europe with you but can not do it. 2d I read Gov Pease's Message with delight. It was the best Governor's message I have ever seen. First for what it contained—its sensible views on all topics (as far as I am capable of judging) Second for what it *did not contain* viz the hackneyed talk about Federal, Sectional, and European politics. Love to all. In haste

As ever

R.

P. S. I name my boy "Birchard."

letter of the 16th ult. Indeed, my good old friend, it made me feel good all over to hear from you. The reading of your letter carried me back to the "good times" of the past; to our friendship & its pleasant communings. Those were gloriously joyous & pleasant days. Do you remember how our good friend, Prof. Sandels, when we made a mistake, would tell us "*to do it again*"?

Well, friend Bryan, you are far distant from the *Bonnie Buckeye State*, but you are mentioned by name & with affection often, & often by your old friends & mates in Ohio. I very frequently meet Hayes, Buttles & others of our mutual friends, and in our friendly communings you are always remembered.

Hayes is practicing law in Cincinnati & bids fair to become a leading lawyer in the city. Few of his age are equal to him. His prospects are bright. You are no doubt aware that he is married.

I have been married ten years. Have a daughter nine years old & a son three.

Have you been doing any thing for your country by adding to the number of its jewels? You know you were always noted for being patriotic: now a good patriot ought to multiply & replenish, &c.

The retired, peaceful & pleasant groves of Kenyon are as rural & as beautiful as of old. The Gothic old College Building looks as sturdy & as massive as ever.

The prospects of the College now seem peculiarly bright. The debts are all paid off & by the sale of the College lands a good endowment is being secured. We are now trying to infuse a little more of the "Young America" into the Institution.

Why cannot you make us a visit? Your friends would rejoice to receive & welcome you among them.

I have not yet seen Mr Badger but I will request him to forward to you the Western Episcopalian.

Should you meet my friend Ulric of San Antonio please remember me kindly to him.

My family is absent, spending the vacation with my mother. I am solitary & alone in the President's house, yet are my thoughts cheerful for your letter has carried me back from the lonely present to the happy past.

Out of the abundance of the heart the mouth speaketh, & hence al-

HAYES TO BRYAN

Cincinnati Jan 22 1855.

Dear Guy

I received your New Years greeting this evening, and reply to it at once in order to show you that "auld lang syne" is not all forgotten.

It is the coldest day of the year, the freezing North West wind is sweeping through the street. Here I sit in my cosy little parlor, my wife Lucy sewing almost within kissing distance, my table covered with law papers. overhead I can hear the two grand mothers—*grand* mothers Hayes and Webb—talking and answering "the boy" (as if there was no other boy!) while he seems to be hammering the floor with a mallet; it may be the heel of one of my boots. with these favorable surroundings I ought and would indite a long loving epistle to my old chum if

though wearied, for I came from Columbus to day, I have thus hastily & without method written to you a friendly line.

I shall hope to hear from you often. I rejoice in your success & in the high & honorable position you have deservedly attained. When you meet reverses, let me sympathize with you; & when you enjoy the gratification of success, let me rejoice with you.

As ever your friend,

Lorin Andrews

The two following letters are from George W. Jones, a Cincinnati merchant:

Phila August 1st. 1854

My dear friend

Your letter introducing Mr Randon came to me under cover from Cin[cinnati] I had left before he came. I regret my absence, as I shall always take pleasure in serving your friends.

I shall leave here for New York on Wednesday or Thursday and stop at Delmonicos in Broadway for a day or two. Send me your address to Delmonicos so that I can see you

In haste but believe me

Your friend

G. W. Jones

Guy M. Bryan Esq

Care of J. H. Brower Esq New York

Cin[cinnati] Oct 3rd 1854

Friend Guy

I regret that my business affairs should have so suddenly called me home. . . . How are you, and how is Eliza. I unite with true sincerity in your earnest prayer that she is better. . . .

Write to me Guy and let me know whether to expect you. I cannot listen to a negative with any pleasure & I hope you will come. . . .

it were not that I am in the midst of the most hurrying days of this most litigating year.

A few weeks ago I succeeded in finally getting an acquittal of my first life case, which has been a pet case so long and to which I owe so much, and now added to the usual labors of the office, I am preparing for the final argument before the Supreme Court at Columbus of my other pet case, also a case of life. I have argued it already three times in various courts, and am to see that my last effort is not worse than the other three. The hardest task a man can have—having done his best then to try to do better in the same case; the zest of novelty gone, and conscious that the part of your audience you are most desirous to convince were unconvinced by your former argument. These are a lawyer's feelings. I never expect to take such an interest in another cause, the chances are greatly against success, and the task is to argue so well that no one will attribute failure to the weakness of the lawyer. In the midst of this preparation I am now writing to you. Day after tomorrow is the contest.

With this case ends everything like *anxious* ambition. Many cases, very many, will doubtless come to my hands about which I shall feel solicitude that will make me wakeful when I should be sleeping, but two things are now ascertained and I rest upon them. One is that I have neither health nor capacity to be a first-rate figure in my profession; the other that I appear to have enough of both to acquire a reasonable success—enough for happiness, with this I am content. I can and do admire genius and talent; but the feeling is unmixed, wholly, with envy. There you have a string of personalisms that shames your last out of sight, nevertheless I do not deem it out of place in a letter to *you*.

My railroad epistle I will try my hand at some day when I can get my muddy yard stick away from my brain. It is a tough subject and must be thought of.

We are just on the eve of the most important election ever held in our county, and the votes cast are to determine American or Foreign rule. You know where I stand. The gay, glorious banner enshroudes me, and fish or devil I go him against the Foreign rule. The old times of Whig and Loco no longer excite public fear. The strife is here. God be with us.

My little, Oh no, my big Guy grows in strength and knowledge worthy of his noble sires, and gives us all much joy. Remember me always with regard & believe me your friend

G. W. Jones

And here I *had* to stop to join Lucy in humming through a verse of "Old folks at home." You have missed a letter, perhaps two, of mine, the first to Delaware, the other directed I don't remember where. We got Birchie's V, and after a long searching thought a ring "from Guy M. Bryan to Birchie 1854" would be preserved longer than anything else. "*My fault* that you did not see my wife." No, no. She couldn't travel and you had no time to go down to Ross County where she was staying.

Two things in your letter I must talk over with you. You did not find the cordiality in some quarters which you expected. I do not understand you to mean that you were disappointed in me or mine; I should regret it deeply, most deeply if you were, and should say to you without qualification that if such were the case it certainly was owing to some accidental but unlucky mischance which placed the person or yourself for *the moment* in a false position; for I know there is no *real* want of cordiality towards you with anyone of them. Fanny talks of you often and loves you like a brother. Uncle speaks of you in connection with the other *purest most unselfish* friend he ever had, Jesse Stem, you remember him; and my other kindred feel towards you as of yore according to their measure of feeling constitutional and habitual. For myself I need not speak as *that* remark I am sure did not mean me; but the other that I must speak of did. "I advised you to *purchase* a seat in the U S Senate." Excuse me, Guy, but I laughed when I read that sentence. If the thing were serious it would not be funny. I have not the remotest recollection what you allude to; that I was in a craze of boyish follies when we went to Gambier I know very well, that I said a great many things that meant *nothing* or *worse* I have no doubt, but that I ever *meant* to say what you put in my mouth is certainly a mistake. Tell me in your next are you in earnest in saying I so advised you. I have sometimes thought that your strong keen sense of duty and justice sometimes led you to commit errors, errors of nobleness it is true, but which it were prudent to avoid. And this may have led me to [use] stronger language and illustrations to induce you to favor my views than ought in reason to have been used. A case in

point, Uncle and I discussed it with a friend of yours in Texas; Austin, your brother, I think. As a juror you refused to find a verdict against a slave although in our opinion he ought to have been convicted, chiefly because you thought a white man would not have been convicted on the same evidence, and you wished to mete out the same justice to a slave as to a freeman. Now here the feeling was noble; but practically carried out, you were in error, and the error caused your friends some trouble. Now what I said that was in *earnest* was meant to hit at this quality in you, and whatever was in fun or mere talk for talk's sake I shall not allow you to lay up against your best friend. Guy you must get married—this being a bachelor exaggerates all the peculiarities of a man's character—even beauties are in danger of becoming deformities.

I would be pleased to see you in the U. S. Senate; I do not care to have you in the House. It is doubtless more creditable at the South, your best men being politicians, but with us Lew Campbell is a favorable specimen and that is enough. As to R. R's. only one in a hundred supports itself; they are great civilizers, develop a country &c &c, but should not be built if the building is to load your citizens or State with a debt. Every body North thinks your Governor Pease has done a very sensible thing in not taking "Moonshine Stocks" as security that a "Moonshine R R Company" would perform their contract. but I must stop

Sincerely as ever

R B Hayes

P. S. Wife sends love and says "tell him we have got the greatest boy"—mother's weakness.

H.

HAYES TO BRYAN

Cincinnati O Feby 22, 1855

Dear Guy or Stephen "as the case may be"—

Mr James Mitchell the bearer of this visits Texas to look up the affairs of Mr Nathan Howell if *he has any* in your parts. Mr M resides in Fremont, is a reliable upright man and wishes to fall into the hands of an honest lawyer. Any attentions or

assistance you can render him will be a personal favor to your old friend—

R B Hayes

To Guy M Bryan or Stephen S Perry
Brazoria County Texas¹²

HAYES TO BRYAN

Cincinnati, July 11 1855¹³

Dear Guy

Yours of the 7th of June was rec'd this morning. I can almost excuse you for writing so rarely, when I receive such a full and satisfactory letter as the one before me. It gratifies me exceedingly to read your warm frank oldfashioned letter. I am not at all surprised that you were disappointed upon your return to Ohio to find many of the changes you saw. As we grow older, we all experience the same feeling. "Troops of friends" many men appear to have, but time and separation always lop off all but the chosen few. Some men of singular social or brilliant qualities may always *seem* to have hosts of friends, but they are not the *same* friends; the *host* is ever changing. I am fond of thinking about the few to whom my feelings seem to cling as if for life. Whether that few esteem me precisely as I do them is

¹²Letter from a committee of the Nu Pi Kappa Society:

Kenyon College
Gambier Ohio March 12th 1855

Dear Sir

It is our pleasing duty to inform you that you have [been] elected to address the Nu Pi Kappa Society on the coming commencement (Aug. 2nd).

By returning a favorable answer you will confer a great favor upon every member in the Society. It is expected that there will be a meeting here at next commencement of as many graduate members as can come to take into consideration the possibility of building a new Hall. The Philos have already commenced [to collect funds]. . . .

Hoping to hear from you at your earliest convenience we remain

Yours truly

Frederic D. Tunnard
Horace Canfield, Jr
C. M. Morrison

Com

Hon. Guy M. Bryan
Brazoria, Texas

¹³The letterhead and announcement are omitted since they are identical with those reproduced in note 11.

not entirely known to me, perhaps they can not. I always think of four persons (I presume you have heard me say this before,) as the best friends I have ever had, and the best men, all in all, I have ever known. You, and Uncle, my partner Rogers, and Jesse Stem who was killed in the Indian Country.^{13*} No other person comes near in my affections to this little circle; one is gone, the others remain; but in my memory the four are with me for aye.

I see still more clearly than before, that I was too "demoralized," not in any bad sense, in allowing myself to run on joking and earnest by turns when with you last summer. The truth is that this tug at the law for nine months at a stretch leaves one during the vacation like an overtasked schoolboy in the holidays, ready to play the Devil with sense, soberness and propriety. I feel so now. Our courts are closed, and if you were here I could go rambling, rafting and fishing just as joyously and boyishly as I ever did years ago. I have just returned from a week's pleasuring in the magnificent country about Lexington, Ky. Saw our old "Huckleberry pudding" acquaintance, Wm. B. Victor. He had a great deal to say about our singular meeting. Is still labouring under delusions as to the designs of the Brazoria people; insisted upon my giving him a written statement of what we saw that night. A queer customer he is but "daft."

Your views as to letter of introduction ought to be acted upon in all cases; but I knew there would not be time to get a letter by mail to you before Mitchell would reach Texas and accordingly introduced him as nearly as I could according to my feelings. I wished to oblige him. He is an upright, good man but *not a particular friend*. I was desirous you should assist him, if convenient, and knew you would not be deceived by him. I am very glad he succeeded so well. He appeared delighted with his trip, and spoke very gratefully of his obligations to you; for the which my thanks. Uncle will be sure to visit Texas if he can next winter. But he is getting more averse to travelling than formerly and is not likely to go if he is not entirely foot-loose.

^{13*}Jesse Stem, of Green Springs, Ohio, was appointed special agent for Indians in Texas, November 5, 1850. He was murdered by some Kickapoos near Fort Belknap, Texas, in March, 1854.

I am glad you are still thinking of the time when you will be a "gentleman of family." No use waiting. You are old enough. To that "Complexion" &c. My little Birchie is a fine boy, walks & runs of course, talks "broken English" and is the pride of his parents and the joy of their home.

I shall go to Columbus tomorrow to visit friends and kin, and hope to be at Kenyon on Commencement Day. How I do wish you could be with me.

I am glad you remain in the State Senate. Don't go into the U. S. House, but *do* go to the Senate if you can honestly. These are my wishes about your political career. One further word. If you do get into the Senate don't get the Presidential mania. It makes mad every man who is at all prominent at Washington either in the House or Senate. Scores of men, usually sound and sensible, fancy they can be President, who have no more right to think so than the Autocrat of Russia. I have no knowledge of any tolerably conspicuous politician at Washington whose career is not colored and marred by his ambition to be president. I say this in all seriousness. It makes fools of all sorts from Webster down to Lew Campbell.

I will send you such Rail Road books as I can get if I have an opportunity. Love to friends. In haste

As ever

R. B. Hayes¹⁴

¹⁴The following letter is from Douglass Case, a physician:

Cleveland Ohio July 24, 1855

Dear Guy.

Yours of the 5th inst is received. We had been looking for a letter from you for some time & as the summer was getting advanced without getting any, we began to be in hopes you expected to be here soon yourself & answer my letter "viva voce." The fact that they expect to have a great gathering at Kenyon on the coming commencement & that you had been nominated to address the Nu Pi Kappa Society gave the more reason to anticipate a visit from you. I would not say that your letter was not welcome, but I do say that you would have been more so. . . .

For a long time after I wrote you Guy would ask me every day if I had not got a letter from you & if it was not time for you to answer our letter. His rocking horse is a source of endless amusement to him. But he does not give up the idea of going to Texas & getting those other horses. . . . He has commenced going to school & is very fond of it, but says all he goes for is the fun they have at recess. . . .

Guy sends a great deal of love & I remain as ever your sincere friend & brother P. K. Z.

D. Case

HAYES TO BRYAN

Cincinnati, Nov 18th 1855.¹⁵

Dear Guy

I have just received yours calling attention to my note referring to an application for a commissionship for Texas. The gentleman's name is B. F. *Brown*, if I said *Smith* it was an error. They are both such common names may explain the mistake. I did not speak particularly of his qualifications, as such appointments are made here I believe as a matter of course. He is however a very worthy upright young man who will discharge the duties of such an office well.

You are of course a Senator, but how singular it is that your newspaper "the Democrat & Planter" never has given the vote of your county, has hardly named any of the candidates, furnished no details or figures about your election, no lists of Members of the Legislature. These matters of local politics are always interesting.

I think that since I wrote you Sister Fanny and myself and wife have made Uncle a visit & spent a few days at Gambier. Andrews makes one feel at home at Kenyon. One can hardly realise how long a time has elapsed since we were there. We go back and are straightway boys again. Uncle is in good health, talks often of you and another trip to Texas, but when he will go again is as uncertain as ever.

A Mr [Enoch] Jones from somewhere near Lavaca was in our office displaying some Rail Road scheme for "inter-oceanic communication" as he termed it. You of course know the old gentleman as he seems to be an old campaigner in such schemes. I do not know but he is right in thinking that the best route to the Pacific for a R. R. is from western Texas. Still I suspect that the first Road built will be further North. As our shrewd German demagogue says "Commerce to the North Genius to the South" and there is much of Truth in the sentence. Chicago is outstripping all other western cities. She will soon run her iron arms into Iowa and Kansas so as to cut off St. Louis & Cincinnati and ultimately get across the Continent, while the better

¹⁵See note 13.

and natural routes are being resolved and talked about. If I were in your place I do not know but I would do as you do but it seems to me that with your influence, position and tenacity of purpose you could accomplish very much for Texas and the whole country as well as for your own permanent fame by taking hold of this Rail Road. It seems to be the growing impression everywhere that the Texas route to the Pacific is the best one. And if Texas were to take hold of it energetically I do not doubt that the general Government would ultimately carry it across the Continent. With that Road through Texas she would rapidly become one of the first if not the first of all the states in every element of greatness. A man to get the proper lead in such an enterprise would have to make it his one idea for a quarter of a century, but success would be glory enough. I know nothing of any particular scheme. Mr. Jones' talk may be nothing but gas. The Texas Western R R may be a swindle as its predecessor was, but if you have the *true route* some scheme ought and can be made to succeed. Rusk and your other men so far as I know are too old, or will be, long before such an enterprise can get fairly on its feet, but Guy you could do it. You seem destined for public service of some kind. Common political life you certainly now know is nothing. Leave to others that field and be to Texas more than Clinton was to New York; or rather what he was to a State you can be to a Continent. All this sounds as if I was a Rail Road maniac but I am not I assure you. I have merely been reading an article or two on the subject, which I will send you. Any *particular* scheme which is talked of up here I naturally suspect to be a trap for gulls, but as I say the great idea strikes me as feasible and grand.

As ever

R. B. Hayes¹⁶

¹⁶The following is a letter from Douglass Case:

Cleveland March 15, 1856

Dear Guy

Your welcome letter dated at City of Austin Jany 24th was received some weeks ago. I should have answered it before this time but was rather unsettled & did not know just what to write to you. Last fall I built a nice little cottage & moved into it the first of December. . . . I was delighted to learn that you intended to visit Ohio in June & I wanted to write that I was housekeeping & insist upon you and your friend coming directly from the depot to my house when you come to

HAYES TO BRYAN

Cin[cinnati] April 16, 1856.

Dear Guy

George Jones just came in to tell me that you will come here as a delegate to the June Convention. I am very glad to hear it. Uncle Birchard will be here to look on. Come early and be ready to stay long. George says he intends to have you as *his* guest. Dont commit yourself. We can divide you up by some sort of "Compromise." I intended to suggest to you to take this appointment and so kill two birds &c but neglected it. I dont yet belong to your party, but my opposition to it this fall will be hearty or otherwise according to your candidate. Not being a K[now] N[othing] I am left as a sort of waif on the political sea with symptoms of a mild sort towards Black Republicanism. Still we shall not quarrel on politics, even if we differ as of old.

As ever yours

R. B. Hayes.¹⁷

Cleveland and make us a good visit. . . . But my wife's health has not been good for more than a year past. . . . I cannot tell whether I shall be keeping house in June or not. If I should be, nothing would give me more pleasure than to entertain you & your friend as long as we could prevail on you to stay. At all events we shall all be agreeable & entertaining. You do not say what time in June you will be here & as I do not often see a Democratic paper I do not know what time the convention meets. We expect to have a wedding in our family on or about the 10th of June to which you may consider this an invitation & I hope you will try to be on hand. I think you will admit that matrimony is of more importance than politics. Therefore you had better change the object of your visit to Ohio. Come for the purpose of attending the wedding. Of course you could stop at the convention as you will be passing through Cincinnati. . . .

I went to Columbus with my wife & Guy last week, & saw Dr John A. Little. He looks very well & has a plenty to do. I have not seen or heard from Hayes for a long time. Dr John was much pleased with the prospect of seeing you again.

Remember me kindly to all your family with whom I am acquainted. Guy always wants to be remembered to you as you rank No 1 in his list of friends. . . .

Your sincere friend & brother P. K. Z.

D. Case

"The following letter is from George W. Jones, merchant, referred to by Hayes in the preceding letter:

Cincinnati May 7 1856

Friend Guy

On my way from the east a few days since I met Douglass Case and

HAYES TO BRYAN

Columbus July 23 1856

Dear Guy

We buried my dear only sister last Friday. Uncle and myself have been here since the first of the month and have had very little hope of her recovery since that time. Her confinement took place a week or two after you were here and was the cause of her death. Oh, what a blow it is. During all my life she has been the dear one. I can recall no happiness in the past which was not brightened either by her participation in it or the thought of her joy when she knew of it. All plans for the future, all visions of success have embraced her as essential to complete them. For many years my mother's family consisted of but three—Mother, Sister dear, and myself. Oh what associations now broken cling around those tender early days. And such a sister! Always bright, beautiful, loving; always such that we were proud of her—and then always improving. The last fifteen years she has gained as rapidly in all the finer elements of character as in any previous period.

There are many consoling circumstances to alleviate our grief in this great affliction. She has had a life of blessed happiness; I have never heard of a happier life. She now escapes some afflictions which are sure to come, and others which are possible that we know not of. Besides the close of life was as beautiful and happy as its whole course. She had long been apprehensive that her confinement would be fatal to her. She felt prepared

learned with much pleasure that you would be here as a delegate to the [National Democratic] Convention. My house Guy must be your stopping place; if you have a friend who will bunk with you nothing will give me more pleasure than to have him share my quarters.

Our city will be very full and our citizens expect to keep "open house" and I hope you will accept of my plain establishment, where you will have full license to keep as late hours as your bachelor habits and caucus engagements may incline you to.

Rud is also happy in anticipation of showing you his little flock and though neither of us care much about your Democratic nominee yet misguided man that which we have shall be yours.

Hoping for you a pleasant trip I am your friend

G. W. Jones

P. S.—Address of my house: Southeast Corner Broadway & 4th Street. When you reach New Orleans take boat for Cairo from thence cars through central Illinois to Cincinnati in 30 hours.

for the next world and thought she could now be spared from this—that her children were of an age when friends left behind could take charge of them. I do not know of any *formal* devotions or profession of religion. But she looked calmly into the future, full of hope, more than that with a perfect confidence that she should meet her father and her beloved Willie in happiness and that the dear ones left behind would soon follow her and join her there.

All the fine traits of her character shone brightly to the last. She was cheerful, uncomplaining, considerate for others, and affectionate, oh so affectionate up to the moment that the breath left her body. Her last words to me were as she smiled sweetly, "Oh dear Lucy and the little boys, how I would love to see them, but I never shall" and her last words before death—only a moment before—were smilingly said as she looked at Uncle "Uncle I am going"; she then held out her arms and embraced her husband, and soon was gone. Good Bye Good Bye. My heart bleeds and the tears flow as I write

As ever

R B Hayes

BRYAN TO HAYES

Brazoria Co Texas

Gulf Prairie P. O. Jan 1st /57

Dear Rud

I recd yours on the subject of my Resolutions introduced into & passed by the Senate of Texas, recommending a consultation of the Southern States on the event of the election of Fremont.

No doubt, my friend, my long silence has induced you to believe that I hold some feeling against you on account of your politics. Rud, would to God you thought as I do, but my old classmate and friend, the past, the glorious past, cannot be forgotten. You will always have a place in my memory and heart. In your politics you are wrong. And I tell you as certain as a sun rises and sets if the North does not stop the agitation of the slavery question, this Union will be dissolved; this is no idle talk, it is truth; and if Ky and the border States do not go with the other slave-states we will let them "slide."

I have much confidence in my judgment, and where it is ma-

turely formed, it rarely has failed me. I say to you then, that this is my deliberate *conviction*. I know that you and the mass of the people at the North think this an idle threat, *not so*. We will be *forced to separate to save our lives*. There have been insurrections or attempts at insurrections in almost every Southern State. Some eight or ten in this State alone. The public mind of the South is fully aroused and more intelligent on this subject now than it ever was before. We know that in a pecuniary point of view we would be much better without than with the North. Now, the North drains us of all our money and plants it upon her own soil, whilst we, the greatest agricultural people on the face of the earth, are from this fact as a class among the poorest. On this account, many are honestly desirous of dissolution. I am satisfied that the great battle has yet to be fought, and in the struggle the Union will go down or be stronger than ever. I am in favor of the South in wisdom and coolness establishing her ultimatum, and say to the North give us this, and place it beyond Congressional interference, or *dissolve*. I am (and I am not alone) in favor of settling this slavery question *for ever* or Dissolution. I love the Union for its benefits and its glorious memories, but I am a *freeman* and cannot be satisfied with an *empty sound*. With us of the South slavery is a *practical question*; it enters into all the ramifications of society. With us it is a *life and death* question. With you it is an *abstract* one. The South thank God is awakening to the truth of the question, and looks the results of agitation in the face. John C. Calhoun were he now alive would be worshiped by the South, and one blast of his bugle voice would call around him a union of hearts and a union of hands with clear determined minds, that would settle this vexed question or give to the Southern States an independent govt. I write this as an old friend to a friend, and you may rely upon it as *true*. The election is over, and the Democracy has triumphed but whilst I rejoice I sorrow—sorrow to find so many States voting for Fremont. The fight has yet to come off. Union on the part of the South may save the Union—if the settlement is postponed the Union will be dissolved. Hatred to slavery is deep seated in the head and heart of the North, and it can only be kept quiescent by the South fix-

ing her ultimatum and presenting the alternative of its acceptance or Dissolution. Then all the patriotism, the conservatism and the love of interest of the North will be aroused. The North will say, true, slavery is bad—a blot upon our govt—yet this govt of ours is the very best that man has ever made. All human things are *imperfect*, consequently rather than destroy the glorious work of our fathers and our own prosperity we will do as our fathers did yield to a necessity and let the curse of slavery rest upon those who hold the slaves, we have done our duty, and our skirts are clean.

Rud this is a partial and I think because practical and truthful, a *sensible* view of the question. You may laugh at it, but mark my words you will find that I am correct.

My friends are again urging me to run for Congress and if what they all say be true, I am only to wire-work “a very little” to secure the nomination of my party over any one who can be brought before the Convention that meets in May next. I have never wire-worked in my life and scorn such working. I don’t care a fig for the office, so far as the office merely is concerned but my noble State and good friends and the glorious South have a hold on my heart that may induce me to forget my private interests and consent to run. Before the people of the District I would not fear to take a tilt with anyone. Conventions are controlled by management, and I am too honest to suit the wire-workers. My private interests imperiously demand my attention, and if I fail to attend to them I may lose thousands. But of this more anon—

Dear Rud, I feel deeply (indeed I do) with you for the loss of your dear sister. I loved her. She was open frank and warm-hearted in her intercourse with me. I *felt* that she *was* the *sister* of *my friend*. She made me *feel* that she *felt* the tie that bound us together. She is gone. The lovely, the pure and the good friend the affectionate daughter, sister and wife. Remember me to her husband and sweet children.

Write me a long letter. This I have written with an old steel pen hastily and without any care. Read it over then punctuate it, and maybe you can make sense out of it.

Regards to your Uncle. Tell him I shall look for a visit from

him—that whenever he comes in the night or day time, in joy or sorrow, he will find the latch string hanging out and the warm grasp of a friend.

Regards to your mother. She has my deep sympathy for *her* loss. My affectionate regards to your wife. You and her and the little ones must come and see me when I get married, which I hope will yet happen. Doc Webb I recollect with pleasure. Give him my regards also sincere respects to his mother.

Tell Geo Jones I love him as ever, and my name sake I have in a corner of my heart. Kind regards to his wife. I am going to write to George before long.

You see that I have not forgotten my *Northern* friends.

Truly as ever

Guy

Respects to Rogers and Mr Corwine Has Rogers left you? Tell Sam Medary and McClain howdy for me. I send them a good Democratic grasp from Texas. Texas tell them is the *Banner State*.

HAYES TO BRYAN

Cincinnati, Jan'y 24 1857.¹³

Dear Guy

I received and read with unusual pleasure your good long letter on your resolutions looking to disunion. I know that what you say of public feeling at the South is entirely reliable, and that all who take any part in politics ought to deal with such facts as their importance and undoubted reality require. That the same feeling which you describe exists in several, perhaps in a majority of the Southern States I have no doubt, and if it were a question between South Carolina, Mississippi, Texas &c &c on the one hand and Massachusetts, Vermont, *Northern* Ohio, &c &c on the other the Union would be gone already, but New Jersey, Pennsylvania, Southern Ohio, Indiana and Illinois do not differ from their neighbors on the South more than they do with those on the North. The great Central States both free and Slaveholding are *one*. Nevertheless it does look more as if dissolution were a possibility than it did a few years ago. You

¹³See note 13.

are quite right, I confess, in looking forward with some solicitude, in casting about for the remedy. Whether I can agree with you in *that* is more than I can tell until I hear your views more explicitly.

You evidently desire to remove the whole subject from Congress, all action upon it, also all discussion of it in Congress. I do not know beyond this what remedy you would propose. To that extent we might perhaps agree. How much farther we can go together on this vexed question I cannot guess, but from past differences am inclined to think we should separate before travelling far.

Now as to another matter. Your becoming a candidate for Congress. I have changed on that subject. If you can get the nomination by making proper efforts I *would make them*. And being once in the field, (if after a survey you think you can win,) go ahead and if you fail of success it will probably not injure you, if you win, no doubt you will take a high position in your party and before the Country. I should hope that a term at Washington would correct some views you now hold which seem to me not merely sectional but local. At any rate I shall see you oftener. You never can go into Congress under more favorable circumstances and I hope you will make the race if the prospect of winning is fair.

Old Trow turned up as a member of the Senate of Michigan, a fierce Republican—writes as heartily and enthusiastically as ever in reply to a note I wrote him.

Uncle and Mother are both in feeble health this winter. Uncle frequently inquires after you with a warm interest. Doug Case is likely to return to Columbus to practice medicine with Dr. Little. My love to Stephen and all.

Sincerely as ever

R. B. Hayes.

BOOK REVIEWS AND NOTICES

The Conquest of the Old Southwest. The romantic story of the early pioneers into Virginia, the Carolinas, Tennessee, and Kentucky, 1740-1790. By Archibald Henderson, Ph. D., D. C. L. (New York; The Century Company, 1920. Pp. xxiv, 395. \$2.50.)

In this little book Mr. Henderson has put all students of the early west under deep obligation to him. He has made definite addition to our stock of information about the subject; he has exhibited his material in a new perspective; and he has told the story with skill and charm.

Beginning with the spread of the Scotch-Irish and German pioneers along the Piedmont from Pennsylvania to South Carolina in the early eighteenth century, he traces in less than one hundred pages the development of the southern border, with special attention to western North Carolina, through the crushing of the Cherokee power in the wars of 1758-1761 and the expulsion of the French from the great hinterland. These important events opened wide the gateway through which went the "long hunters" into Kentucky and Tennessee. As keen on the trail of profitable speculation as the backwoods hunter after his quarry was a group of men of large vision—colonizers, land speculators, or "land pyrates"—planning for large scale acquisitions in the new regions. Conspicuous among these, and the central figure in this book, was Richard Henderson, by birth a Virginian but now a lawyer and judge in western North Carolina. Having become interested in the possibilities of the western country, Henderson sent the noted young hunter, Daniel Boone, who had fallen into his debt, on long exploring trips across the mountains. Meanwhile the wrongs of the poor settlers in the back country of North Carolina had given rise to the "regulation," and when this was suppressed in 1771 many of these borderers moved across the mountains into the Holston and Watauga districts on lands acquired from the Cherokees. These settlements became a base for further expansion. Lord Dunmore's War of 1774 against the Shawnees, deliberately provoked by Virginia's governor, cleared the way into Kentucky. The British government had sought by the royal proclamation of 1763 to bar settlers and land speculators out of the Indian country;

but the legal opinions of Lord Camden and Charles Yorke that titles obtained directly from the Indian tribes were valid had encouraged attempts to circumvent the government. Richard Henderson was one of several who took advantage of this opinion. In the spring of 1775 he and his associates obtained from the Cherokees large grants of land in Kentucky and along the Cumberland River.

Here we reach the climax of the story. In 1775 was established in Kentucky the colony of Transylvania under the active leadership of Henderson himself. Transylvania was a proprietary colony, with a liberal form of government, and the proprietors soon encountered the same sort of dissatisfaction and resistance here as had their prototypes east of the mountains. Virginia, too, opposed the claims of the North Carolinians, and George Rogers Clark headed the opposition in Kentucky which resulted in the loss of Henderson's claims. The author claims that notwithstanding this defeat, Henderson's work was of the highest importance to America, because this colony of Transylvania, established just at the outbreak of the Revolution, served as a base of resistance to and operations against the British in the northwest and was the means of saving that vast region to the United States. Henderson now turned to his other project—a colony on the Cumberland. This, undertaken in 1779-1780 under the immediate leadership of James Robertson, resulted in the founding of Nashville; but here too the company was unable to make good its claim which was set aside three years later by the state of North Carolina. At this point the main narrative ends; but there follow three chapters—"King's Mountain," "The State of Franklin," and "The Lure of Spain"—which carry forward the story of Tennessee to the admission of that state into the Union in 1796.

This imperfect summary does not, of course, do justice to Mr. Henderson's excellent narrative; but it may suggest one criticism, namely, that the main title is too large for the book. Piedmont Virginia is not quite ignored, and the frontier of South Carolina gets some attention—the account of the Cherokee war is very welcome—but on the whole both of these regions receive slight treatment. Practically nothing is said of the intense activities of other land companies and traders who moved by the upper routes into Kentucky, although Alvord's work in this field was available; and absolutely nothing is said of the very interesting

and very important developments going on in the same period on the Georgia frontier and in West Florida. Certain other questions may well be raised. Does not the account of the controversy between the Transylvania Company and Virginia fail to present adequately the side of Virginia? Does not Mr. Henderson accept too readily the arguments for the validity of the land titles granted by the Cherokees to the proprietors of the Transylvania Company? (See his note, no. 137.) Far be it from this reviewer to venture an opinion on a point of law, but as yet he remains unconvinced. Finally it must be said that the critical student is likely to see in Richard Henderson something less than the sublimely disinterested heroic figure in which he appears to our author, something more nearly resembling a type of "empire builder" not uncommon on all parts of our American frontier—a man of vision, energy, and courage with an eye always to the main chance.

But these faults lie mostly on the surface. The fact remains that Mr. Henderson has written a good book in a very interesting way on an important subject. The volume is typographically attractive and contains a good map and a useful index.

CHAS. W. RAMSDELL.

Memoirs of Mary A. Maverick, arranged by Mary A. Maverick and her son, George Madison Maverick. Edited by Rena Maverick Green. San Antonio, 1921. 8vo., pp. 136. Illustrated.

Ever since the publication of a few pages from the diary of Mrs. Maverick, in Corner's *San Antonio de Bezar*, readers of Texas annals have desired a wider view of the life of the writer. Hence this little volume will meet with a warm welcome.

On the first page is the following dedication by the author:

"There are twelve of us in all, my husband and I, and ten children—six living and six in the Spirit-land.

"To the memory of the dear ones who have gone before, I dedicate these reminiscences of by-gone years."

The preface says, "This little book is written for my children," and gives a careful statement of its sources.

A brief genealogical record of her own family and that of her husband, Samuel A. Maverick, comprises the first chapter, followed by a sketch of their early married life in Alabama.

October 14, 1837, is set down as the date of departure from the home place, Montpelier, when, in company with her husband, a young brother, Robert Adams, her baby and nurse, the long journey to Texas was begun. Besides these, there were four negro men, two women and four children. Their equipment, "one large carriage, a big Kentucky wagon, three extra saddle horses, and one blooded filly" made quite a little calvalcade. San Augustine was their first stopping place in Texas; thence, journeying on to Major Sutherland's on the Navidad, they experienced many vicissitudes of climate, a few Indian alarms, met some of the survivors of the late revolution, and finally, on June 15, 1838, made their entry into San Antonio de Bexar, the goal of their eight months journey.

From this time until March 1, 1842, the diary deals with social and domestic life mingled with the writer's presence in dangerous situations, making her at times a witness of scenes of bloodshed, and a listener to tales of Indian cruelty, inflicted on white captives. Rumors of threatened Mexican invasions were rife, and, on the last date mentioned, hasty preparations for what is called "The Runaway of 1842," a general exodus of the leading white families of Bexar ensued. For the Maverick family it meant an entire change of residence during the next five years; first a cabin on the Colorado River near LaGrange, later a spacious residence at Decrow's Point, sharing the name of home. During these years Mr. Maverick's business necessitated frequent absences, and while on a trip to San Antonio, he was made prisoner by the Mexican force under Woll, carried to the City of Mexico, and then confined in the Castle of Perote. The diary tells feelingly of the scene in the cabin on the Colorado, when, after many months of captivity, he dismounted before its doorway.

After the return of the family to San Antonio in 1847, many pathetic episodes make up the record. Death claimed two lovely young daughters. A terrible cholera epidemic ravaged the city. March 28, 1859, is the last entry in the diary. Concluding chapters deal briefly with events down to September 2, 1870, the date of Mr. Maverick's death.

Addenda embrace letters to Mr. and Mrs. Maverick on business and historical subjects; an account of the origin of the term "maverick" applied to unbranded cattle, written for the *St. Louis Republic*, to correct an erroneous statement in the *Century Dic-*

tionary; and an "Address on the life and character of Samuel A. Maverick," delivered October —, 1870, before the Alamo Literary Society, by George Cupples, M. D.

The *Memoirs* abound in incidents of homely frontier life, are replete with affectionate household carefulness, show congenial interest in the welfare of friends and neighbors, and leave an impression of profound admiration for their author, whose splendid character qualified her to endure such hardships, privations and sorrows with the fortitude of a heroine, the sublime patience and faith of a Christian wife and mother.

ADELE B. LOOSCAN.

Reminiscences: Biographical and Historical. By Randolph Clark. Wichita Falls: Lee Clark, 119. 8vo., pp. 85.

This modest little volume is a tribute from one brother to another. A preliminary chapter sketches the life and times of Joseph Addison Clark, parent. The main portion of the book is devoted to Addison Clark, son. About the life of this Texan pioneer educator are grouped some interesting events in the early history of the Disciples of Christ, politics and education before the Civil War, the educational revival after the war, the beginnings of Fort Worth, and the founding of AddRan College at Thorp Spring. One puts down the little book with grateful feelings toward the author, and with regret that he chose to tell so little about himself. W.

NEWS ITEMS

Judge Claude Pollard, of Houston, president of the Texas Bar Association, took for the subject of his annual address "The Beginnings of Texas History." The address has been published in pamphlet form.

Mrs. Margaret L. Watson, of Galveston, historian emeritus, Texas Division, U. D. C., has presented to the Texas State Historical Association copies of two of her historical articles; one is entitled "Fortifications and Activities on the Texas Coast During the War Between the States, 1861-1865," the other "A Daughter of Texas," being a biographical sketch of Catherine Border Roberts (Mrs.

O. M. Roberts). Mrs. A. B. Looscan, through whose hands these gifts passed, has added an autograph letter from Mrs. Roberts, dated Austin, January 28, 1909.

Deaths of prominent citizens of Texas: Thomas S. Maxey, judge of the Western District of Texas, 1888-1916, at Austin, December 5, 1921; Buckley B. Paddock, pioneer of Fort Worth, at Fort Worth, January 9, 1922; A. C. Prendergast, chief justice of the Court of Criminal Appeals, 1911-1918, at Waco, January 6, 1922. Brief sketches of each of these men appear in *Who's Who in America*.

AFFAIRS OF THE ASSOCIATION

The annual meeting of the Texas State Historical Association will be held at Austin in the Main Building of the University of Texas on Friday, April 21. The program will be announced later.

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THE INDIAN POLICY OF THE REPUBLIC OF TEXAS*

ANNA MUCKLEROW

CHAPTER I

INDIAN TRIBES OF TEXAS DURING THE REPUBLIC

The Indians residing in Texas during the Republic may be divided into two groups, those who were indigenous, and those who were immigrants. The immigrant Indians may also be classified under two heads, the tribes which were forced south by hostile northern Indians, and the tribes which were pushed west by the expanding frontier of the United States. Thomas M. Marshall in his *History of the Western Boundary of the Louisiana Purchase* gives the above classification.¹ The writer of this paper, though using Marshall's divisions, has taken the liberty of making some changes in the enumeration and discussion of the tribes under the various headings.

I. *Native Indian Tribes of Texas*

The Karankawa. It seems that the name, Karankawa, was applied originally to a small group of Indians living near Mata-

*A thesis presented to the Faculty of the Graduate Department of the University of Texas for the degree of Master of Arts.

The writer's thanks are due to the officials of the Texas State Library, and to the library staff of the University of Texas. I wish especially to express my gratitude to Mr. E. W. Winkler, Reference Librarian of the University of Texas, for his valuable assistance in locating material, and to Professor Eugene C. Barker of the University of Texas for his many helpful suggestions and criticisms in the preparation of the manuscript.

¹Marshall, *A History of the Western Boundary of the Louisiana Purchase*, 124.

gorda Bay, but later it was extended to include the tribes inhabiting the shore and islands from Galveston Bay to perhaps west of the San Antonio River.³ These Indians represented a very low grade of society, for their tribal organization was loose, and their habits of life extremely crude. They did not cultivate the soil, but lived on fish, game, wild berries and roots, eggs of sea-fowls, and, to some extent, human flesh.⁴ Physically the men were tall and strongly built, and in disposition they were fierce and warlike. Their chief weapon was the bow and arrow, which they used with skill.⁴ In the eighteenth century the number of fighting men in the Karankawan tribe was probably between four and five hundred.⁵ Stephen F. Austin's settlement on the Brazos brought conflict in 1823 between these Indians and the pioneers. During the ensuing struggles over half the tribe was slain and the remainder fled to La Bahia Presidio on the San Antonio River.⁶ In 1834, a force of nearly three hundred Karankawan warriors visited Matagorda for the purpose of plundering a pack train from Mexico, encamped there, but the American settlers rallied in such force that the Indians retreated without a fight.⁷ About 1840 they were camped on the Guadalupe River below Victoria, and on account of the depredations committed by them on the settlers, they were attacked, many were killed, and the rest driven southwest along the coast. In 1843 and 1844 they were living about fifty miles southwest of Corpus Christi. A Mexican ranging company under Captain Rafael Aldrete attacked and almost annihilated them.⁸ Between 1839 and 1851 some ten or twelve families were living on Aransas Bay and Nueces River. Another group of about one hundred persons was located in 1840 on Lavaca Bay.⁹ The

³Hodge, *Handbook of American Indians*, I, 657; Bolton, *Athanas de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 19.

⁴Bolton, "The Founding of Mission Rosario: A Chapter in the History of the Gulf Coast," in *The Quarterly of the Texas State Historical Association*, X, 115.

⁵Yoakum, *History of Texas*, I, 223.

⁶Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, p. 127.

⁷Hodge, *Handbook of American Indians*, I, 657.

⁸Kenney, "History of the Indian Tribes of Texas" in Wooten (editor), *A Comprehensive History of Texas*, I, 727.

⁹Kenney, "History of the Indian Tribes of Texas" in Wooten, *A Comprehensive History of Texas*, I, 127.

¹⁰Hodge, *Handbook of American Indians*, I, 657.

Karankawan tribe had been so reduced in numbers before the beginning of the Republic, that it was not considered very formidable as an enemy.

The Tonkawa. During the latter part of the eighteenth century and the early nineteenth, the Tonkawan tribe occupied a wide region north of the Karankawa, between the Colorado and Trinity Rivers in the eastern central part of Texas.¹⁰ They had no fixed habitat, planted no crops, but led a wandering life, living mostly on game.¹¹ C. Green, Indian Agent to the Tonkawas in 1844, wrote that in February he had visited their camp on Cedar Creek, a tributary of the Trinity River. In May of the same year he found them near Gonzales, from which place they traveled by way of San Marcos to the Colorado.¹² In 1845, R. S. Neighbors, recently appointed Indian Agent to the Tonkawas, reported that they were located on the Cibolo near the old Gonzales crossing.¹³ The Tonkawas were warlike Indians, and were hostile toward the Comanche and Wichita during the time of the Republic, although they remained at peace with the Texans. It is impossible to state definitely the number of persons who belonged to this tribe, but various estimates have been made which throw some light on the subject. Dr. John Sibley thought there were about two hundred men in the tribe in 1805. Teran in 1828, estimated their number at eighty families and the official estimate in 1847 was one hundred and fifty men.¹⁴

The Caddo. The tribal traditions of the Caddo place their early home along the lower Red River of Louisiana. As early as 1687, La Salle and his followers encountered Caddo villages scattered along Red River and its tributaries and along the banks of

¹⁰Hodge, *Handbook of American Indians*, II, 780; Bolton, *Athanasie de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 22-23.

¹¹Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 127.

¹²Manuscript: C. Green to T. G. Western, December 14, 1844. Indian Affairs, State Library.

¹³Manuscript: R. S. Neighbors to T. G. Western, June 14, 1845. Indian Affairs, State Library.

¹⁴Hodge, *Handbook of American Indians*, II, 782. Dr. John Sibley was the United States Indian Agent stationed at Natchitoches. Rowland, *Official Letters of W. C. C. Claiborne, 1801-1816*, IV, 2; VI, 274-277, 362-63; Thwaites, *Early Western Travels, 1748-1846*, XVII, 68, note 60.

the Sabine, Neches, Trinity, Brazos and Colorado Rivers in eastern Texas.¹⁵ In 1835 all the Caddo living in the United States made a treaty with the government ceding all their land and agreeing to move beyond the boundaries of that country. Numbers of the Caddo tribe flocked into Texas and joined their brethren along the great bend of the Red River and southwest as far as Nacogdoches.¹⁶ Here a remnant of the old Caddo Confederacy still remained in 1837 with the following units: Caddo, Eyeish, Abadarko, Abadoche,¹⁷ Nabedache. At that time they numbered two hundred and twenty-five, spoke the same language, and hunted together for a living.¹⁸ The Nabedache and Nacogdoche were tribes which belonged originally to the old Hasinai Confederacy, so it seems probable that at this time both the Caddo and Hasinai groups had broken up and the tribes which were left of each had united. The Caddo and Hasinai were divisions of the great Caddoan linguistic stock, were similar in customs and spoke almost or quite the same language.¹⁹

The Hasinai. During the seventeenth and eighteenth centuries the compact Hasinai Confederacy occupied the valleys of the upper Neches and Angelina Rivers.²⁰ Some of the most important tribes belonging to this nation were the Hasinai, Nacogdoches, Nabedache, Nasoni, and Nadaco.²¹ The Hasinai played a very important part in the History of Texas under Spanish rule, but by the time of the Republic, war, poor food, and epidemics had reduced their number so that only a few scattered tribes remained.²² These

¹⁵Hodge, I, 179-181.

¹⁶Hodge, *Handbook of American Indians*, I, 179-181; Bolton, *Athanasie de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 21-22. Manuscript: Report of Standing Committee on Indian Affairs to President Sam Houston, October 12, 1837. Indian Affairs, Texas State Library. This committee had been appointed September 29, 1837, Journal of Senate, 2 Congress, 1 Session, 8.

¹⁷The writer has been unable to identify this tribe in Hodge.

¹⁸Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

¹⁹Hodge, *Handbook of American Indians*, I, 179-181.

²⁰Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

²¹Bolton, *Athanasie de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 20-21.

²²Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

Indians cultivated the soil to an unusual extent. Maize, beans, calabashes, and wild vegetables, supplemented with game, served them as food.²³ In 1837 they were allied with the Caddo and Eyeish, were on friendly terms with the prairie Indians, and were hostile to the Republic.²⁴

The Eyeish or Ais. In 1828 the small tribe known as the Eyeish lived between the Brazos and Colorado Rivers, and numbered about one hundred and sixty families.²⁵ In 1837 the Eyeish had united with the Caddo and the remnant of the Hasinai. They were living in Nacogdoches county and were hostile to the Texans.²⁶

The Bidai, Orkokisa, Athacapa. On each side of the lower Trinity River lived the Bidai and Orkokisa, and to the east of them on the lower Neches and Sabine dwelt the Athacapa. These tribes were closely associated and were probably related. At one time they were supposed to be Caddoan, but that is no longer considered true. They were not connected with the Karankawa, who occupied the region to the south, and seem to have lived on a higher plane than this barbarous tribe ever aspired to attain.²⁷ By the early nineteenth century these tribes were greatly reduced in numbers,²⁸ and consequently their part in the affairs of the Republic of Texas was insignificant.

The Coahuiltecan Tribes. When the Spanish missionaries made their way into Texas at the end of the seventeenth century, they found some seventy odd different tribal or subtribal divisions located between the lower San Antonio and the lower Rio Grande Rivers. These tribes are now grouped together under the name Coahuiltecan from the language which they spoke. During the latter part of the eighteenth century the Lipan, a tribe of the

²³Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 21.

²⁴Manuscript: Report of Senate Standing Committee on Indian Affairs to Sam Houston, October 12, 1837. Indian Affairs, Texas State Library.

²⁵Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 125.

²⁶Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

²⁷Bolton, *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*, I, 20.

²⁸Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 126.

Apache, pushed down from the north, and forced the Coahuiltecan tribes to the coast.²⁹ Some of the most important units were the Xaramé, Pampopa, Pocoa, Payaya, Aguastayas, Pacuache, Ocana, Pupanac, Pastaloco and Patzua.³⁰ Only a few scattered remnants of the Coahuiltecan tribes were left to witness the trials of the young Republic.

The Apache. In the early eighteenth century the Apache tribes occupied almost the whole of western Texas, from the upper Nueces and Medina Rivers to the upper Red and Colorado. But with the southern movement of the Comanche, the Apache were forced to abandon their northern ranges.³¹ The chief Apache tribes located in Texas were the Lipan, the Natages, the Mescalero, and Jumano, of which the Lipan exerted the most influence on the history of the Republic.³² In the latter part of the eighteenth century the Lipans were living on both sides of the Rio Grande, where they had been forced by the steady approach of the Comanches.³³ A report of the Senate Standing Committee on Indian Affairs in 1837 contains the statement that the Lipans were to be considered merely as a part of the Mexican Nation.³⁴ This supposition seems to have been made without a thorough investigation of the subject. It is true that the Lipans had been forced to the Mexican border, but this does not prove that they were allied with Mexico. Quite the opposite seems to have been the case, for the Lipans were friendly toward the government of Texas, and often served in the army as scouts.³⁵ As a nation, the Apache were hated by the other Indians of the country. Their number was probably not so large as their "nobility and aggressiveness" caused it to be reported.³⁶

²⁹Bolton, *Athanase de Mézières*, I, 27.

³⁰*Ibid.*, 27.

³¹*Ibid.*, 24.

³²Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 128.

³³Bolton, *Athanase de Mézières*, I, 24.

³⁴Manuscript: October 12, 1837. Indian Affairs, Texas State Library.

³⁵Manuscript: Mark B. Lewis to Branch T. Archer, June 1, 1841. Indian Affairs, Texas State Library.

³⁶Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 128.

II. *Immigrant Indian Tribes in Texas, 1836-1846*

Tribes Forced South by Hostile Northern Indians. The Comanche, Wichita, Kiowa, Kiowa Apache, and a portion of the Paronee, were pushed southward into Texas in the latter part of the seventeenth century. The cause of this movement was the shifting of certain hostile northern Indians, especially the Sioux.³⁷

The Comanche. It is rather difficult to locate the exact territory occupied by the twelve Comanche tribes, because their range was very large and they traveled on horseback with extreme rapidity from one part of the country to another. An offshoot of the Shoshoni tribe of Wyoming, the Comanche by the end of the seventeenth century had crowded the Apache from their hunting grounds on the headwaters of the Arkansas, Red, Trinity, and Brazos Rivers, and occupied New Mexico and the Panhandle country. During the time of the Republic the ranges of the Comanche were from Chihuahua on the south to the plains of the Platte on the north.³⁸ Their attitude toward the Texans, and their habits of life are discussed in the following extract from a report of the Senate Standing Committee on Indian Affairs, October 12, 1837:

Of the Comanches your Committee knows but little, they are however the natural enemies of the Mexicans whom they contemptuously denominate their stock keepers and out of which nation they procure slaves. They are roving indians, live on game, and have many horses. Their arms are the Bow & Lance. Your Committee have not any evidence of hostile feelings on the part of these indians toward the People of this Republik and do not entertain a doubt but that a treaty of amity between this Govt & those Indians might be effected if pressure and energetic measures were adopted for that purpose by the Executive & Congress of this Republic.³⁹

It would seem from this that the Comanches were, at this time, considered one of the lesser tribes of Texas Indians, which could, without great difficulty, be conciliated. The government found later that the Comanches were formidable enemies who could

³⁷*Ibid.*, 129.

³⁸Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 129-130; Bolton, *Athanase de Mézières*, I, 24-27.

³⁹Indian Affairs, Texas State Library.

neither be conquered and driven entirely from the country, nor brought to peace terms except after years of struggle.

The Wichita. In the north central part of the Republic, along the waters of the Brazos, Wichita, and Trinity Rivers, the Wichita Indians located, when they were pushed south by their enemies, the Osage. The principal tribes of the Wichita were the Tawakoni, Taovayas, Kichai, and Yscanis. Their civilization resembled that of the Caddo and Hasinai, but their language was quite distinct. The Apache on the west, and the Osage on the north were the common enemies of the three groups, the Hasinai, the Caddo, and the Wichita. In the eighteenth century it is estimated that the Wichita numbered four thousand. By 1824 there were probably about twenty-eight hundred, and their number continued to decrease both on account of wars and disease.⁴⁰ A considerable number of the Skidi Pawnee lived with the Wichita. The two tribes had been on intimate terms for many years, and the band of Pawnees seem to have resided with the Wichita at least since the middle of the eighteenth century.⁴¹ The report of the Senate Standing Committee of Indian Affairs, October 12, 1837, contains the following information concerning the Wichita-Pawnee group:

The Keechi Tywocanies Wakko's and Towiash or Pawnees are Indians of the Prairies,—Hunt altogether for a living travel altogether on horseback armed mostly with Bow and Lance. What fire arms they have are smooth bores or traders guns of little value and seldom used. They rove from place to place, move with great celerity, & are but little dependent on civilized man for necessary articles. They are now at war with this Republik. Their number is about 500 warriors despicable soldiers but formidable rogues, and for 5 years past have greatly annoyed our frontier during which time they have occasionally found opportunities to commit most horrible outrages & to carry off children and females as prisoners. . . .

These indians reside mostly on the head waters of the Trinity, Brazos, and Colorado, and are on good terms with the Comanches and northern Indians living within the limits of Texas.⁴²

⁴⁰Bolton, *Athanase de Mézières*, I, 23-24; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 130; Hodge, *Handbook of American Indians*, II, 947-949.

⁴¹Hodge, *Handbook of American Indians*, II, 947.

⁴²Texas State Library.

Kiowa and Kiowa Apache. The Kiowa Indians migrated across the Arkansas River early in the nineteenth century, and located west of the Comanches, with whom they became closely allied. Among the prairie tribes, the Kiowa were noted for their fierce war-like disposition. It is estimated that in proportion to their number they killed more white men than any other tribe of Indians. The Kiowa Apache belonged to the Kiowa tribal circle, although their language was distinctly individual. They were a small Athapaskan tribe, had absolutely no political connection with the Apache, but came south with the Kiowa to the Texas plains country. Their union with the Kiowa was so close that they may be considered as a legitimate part of that nation.⁴³

Tribes Pushed West by the Expanding Frontier of the United States. At the Treaty of Paris in 1763, France ceded to England all the lands east of the Mississippi except the Island of Orleans. Thus a great expanse of territory was opened to the English colonists in America. However, it was not until after the Revolutionary War, and the War of 1812, that westward immigration began to crowd the Indian tribes across the Mississippi. Eastern Texas was practically uninhabited, and furnished a place of refuge for the following tribes: the Alabama, the Coshatto (Koasati), the Biloxi, the Muskogee, the Choctaw, the Chickasaw, the Kickapoo, the Shawnee, the Delaware, the Arkensa, the Creek, and the Cherokee.⁴⁴

Alabama, Koasati, Biloxi, and Muskogee. In 1837, a Committee Report of the Senate, located the Alabama, Coshatto, Biloxi, and Muskogee together in the counties of Nacogdoches and Liberty south of the San Antonio road, and estimated their strength at 150 warriors.⁴⁵ The Alibama had moved to Texas from Louisiana some time before 1819, and had settled above Opelousas road between the Sabine and the Trinity Rivers. There were about one hundred and twenty of these Indians, when they first wandered from their tribe which was established on the Alabama River be-

⁴³Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 130; Hodge, *Handbook of American Indians*, I, 699-702.

⁴⁴Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131.

⁴⁵Manuscript: Report of Senate Standing Committee on Indian Affairs to Sam Houston, October 12, 1837. Indian Affairs, Texas State Library.

fore the Treaty of 1763. By the time they had drifted into Texas their number had decreased. The Koasati or Cochatti or Cushatti were an upper Creek tribe closely related to the Alibama. Soon after west Florida was ceded to Great Britain in 1763, part of the Koasati left their home on the right bank of the Alabama River, near the confluence of the Coosa and the Tallapoosa, and wandered west. Sibley in 1805 noted that these Indians had settled on the east bank of the Sabine River eighty miles south of Natchitoches, Louisiana. From there they spread over much of east Texas as far as the Trinity River. Some of the Koasati also obtained permission from the Caddo to settle on the Red River. Schermerhorn said that the Koasati on the Sabine River in 1812 numbered six hundred, and in 1820 estimated that there were only three hundred and fifty on the Red River, fifty on the Neches forty miles above its mouth, and two hundred and forty on the Trinity forty to fifty miles above its mouth. The Koasati were considered honest, industrious and peaceful. Allied with the Alibama and the Koasati were the Biloxi, a small tribe originally from southern Mississippi. In 1828 about twenty families were located on the east bank of the Neches. A small band also lived with the Caddo on Red River. In 1846 Butler and Lewis found a Biloxi camp on Little River. A few of the Muskogee tribe had wandered to Texas about 1834, and had become associated with the Alibama, Koasati, and Biloxi. All the above tribes spoke a similar dialect, had no pretensions to soil, and were on friendly terms with the people of the Republic.⁴⁶

Choctaw and Chickasaw. The Choctaw began to migrate west from their original homes in southern Mississippi and Georgia, during the latter half of the eighteenth century. By 1809, they had a village on the Wichita River. There were, in 1820, about one hundred and forty on the Red River near the Caddo, and over a thousand on the Sabine and Neches Rivers. In 1840 a small party of about forty Choctaws and Chickasaws lived in the counties of Nacogdoches and Shelby on the Attoyac and Patroon. The Choctaws cultivated the soil and were, in fact, the best agricul-

⁴⁶Hodge, *Handbook of American Indians*, I, 43-44, 719-720; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131-133. Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

turists of the southern Indians. They were not by nature warlike, but in defense of their homes they were brave and fearless. The Chickasaws were related to the Choctaws in language and customs, but nevertheless the two nations were ancient enemies. A few of the Chickasaws put aside this hostility, came to Texas and lived among the Choctaws. Both tribes were at peace with the Republic in 1837.⁴⁷

The Kickapoo, Potawatomi, Delaware, and Shawnee. The Kickapoo by 1819 had ceded to the United States all their claims to land in Illinois, and began to move southwest. They first settled in Missouri and Kansas, and from there parties found their way to the hunting grounds of northeastern Texas. Some of the Potawatomi lived among the Kickapoo and came with them to their new home. Austin located them on his map along the headwaters of the Sabine and Trinity Rivers. In 1789, the Spanish government gave a band of Delawares permission to move to Missouri. They were joined a few years later by a band of Shawnee. By 1820 white immigration to Missouri was becoming extensive, and the two tribes drifted to Texas. About seven hundred of these Indians located south of Red River near Pecan Point. The Kickapoo, Potawatomi, Delaware, and Shawnee were called northern Indians by the Texans. They were excellent hunters and lived almost entirely by the chase. In 1837 they numbered about five hundred, were friendly to the Whites, and made no claim to the land on which they lived.⁴⁸

The Arkensa. The Arkensa or Quapaw, moved to Texas at an obscure date from their home on the Arkansas and White Rivers. In 1828, one hundred and fifty families were living south of the Red River on Sulphur Creek. The Report of the Senate Standing Committee on Indian Affairs made October 12, 1837, does not

⁴⁷Hodge, *Handbook of American Indians*, I, 260-262, 288-290; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133. Manuscript: Report of Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

⁴⁸Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 145; Hodge, *Handbook of American Indians*, I, 385-387, 684-686, II, 530-538; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 132-133.

mention the Arkensa Indians, so it is probable that at that time they were a small and almost unknown tribe.⁴⁹

The Creek. In 1834 the Creeks wished to move into the popular region of eastern Texas, and attempted to do so, but were prevented by the Cherokees and the American settlers. However, it seems that a small party of Creeks must have established themselves in this territory in spite of all opposition, for Hodge says that a small Creek remnant was found in eastern Texas as late as 1840.⁵⁰

The Cherokee. The most important of the immigrant Indian tribes was the Cherokee. Soon after the Revolutionary War, the hunter class of the Cherokee nation moved from the Appalachian Mountains to the White River in Arkansas and Louisiana. About six thousand were living west of the Mississippi in 1821. Richard Field, a Cherokee Chief, with some sixty warriors crossed into Texas and settled in the Caddo territory south of Red River.⁵¹ By 1836, they were occupying the lands along the Angelina, Neches, and Sabine Rivers. Their number and general characteristics may be seen from the following extract from the Report of the Senate Standing Committee on Indian Affairs:

The Cherokees . . . live also in the county of Nacogdoches on the waters of the Angelina, Neches, & Sabine rivers; they are about 220 in number, are farmers & hunters, raise stock and have some domestic manufactures, and read and write their own language. Their War Chief is called Bowles their Civil Chief is called Big Mush.

They are a branch of the old nation of that name which they left some 40 or 50 years since settling first on the St Francis afterward on the Arkansas river and finally about 15 years since in Texas. They are good riflemen and have elevated views of their own importance and claims. They also appear desirous of taking the lead and forming an union of the different tribes in Texas. They trade with and are now in continual communication with the Prairie Indians with whom untill the commencement of our Revolution they were at war.

⁴⁹Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133.

⁵⁰Hodge, *Handbook of American Indians*, I, 961-963; Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 133.

⁵¹Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 131-132.

These Cherokees in the event of war would feel the Horror of invasion in a degree very nearly equal to the whites as their Squaws and children never leave their farms which is also the case with a few Delawares & Shawnees—They would have no strong holds, no interminable thickets, or swamps to retire to, but would be forced to give battle or fly to the prairies.⁵²

*III. General Location and Number of Indians in Texas,
1836-1846*

As far as it has been possible to ascertain them, the Indian tribes living in Texas during the Republic have been enumerated and briefly described. By referring to a map it will be at once evident that the various bands were scattered over the whole expanse of Texas. Of course, they did not inhabit the whole of the vast spaces indicated, but merely moved about from one place to another in that area and considered it their hunting ground. Eastern Texas was thickly settled by Indians who had moved there from the United States. Their villages were of a more permanent character than those of the prairie Indians, and they were determined to obtain a legal title to the land they occupied.

It is impossible to give any definite figures on the Indian population of Texas during the Republic. Henry M. Morfit, who was sent by President Jackson to investigate the military, civil, and political condition of Texas made an estimate in 1836 which has been misunderstood by Yoakum and later by Wooten. Morfit makes the following statement:

The aborigines amount to about 12,000; of whom there are 400 souls, or 150 warriors, of the Whaco tribe, who have a village near the head waters of the Brazos; 50 warriors, or 200 souls, of the Towackanies, who are a branch of this tribe; 200 warriors, or 800 souls, of the Tonkawas, between the Colorado and La Baca; 80 warriors, or 350 souls, of the Conshattees, near the Trinidad; 60 warriors, or 250 souls, of the Alabamas, on the Neches; 2,000 warriors, or 8,000 souls, of the Comanches, ranging from the Guadalupe mountains across the head waters of the Colorado, Rio Brazos, and Trinidad, up to the Red River; 120 warriors, or 500 souls, of the Caddoes, who have lately migrated from the borders of the United States toward the Trinidad, and who, a few weeks ago, destroyed the village of Bastrop; 250 warriors, or 900 souls,

⁵²Manuscript: Report of the Senate Standing Committee on Indian Affairs, October 12, 1837. Indian Affairs, Texas State Library.

of the Lipans, principally above the Colorado and San Antonio. Besides these, there are small portions of several wandering tribes, amounting to 200 warriors.

This enumeration does not include the northern Indians from the United States, consisting of the Cherokees, Kickapoos, Choctaws, Chickasaws, Potawatamies, Delawares, and Shawnees, amounting to about 2,000 warriors, who are restrained from taking part with either side in consequence of the position of General Gaines.⁵³

Both Yoakum and Wooten have interpreted Morfit's report as estimating the total Indian population at fourteen thousand two hundred. However, it will be noticed that both the number in the small wandering tribes, and the number in the northern tribes is given in warriors, and should be multiplied by four, according to Morfit's other calculations to give the total population. The eight hundred souls of the unclassified tribes seems to have been included under his estimate of the aborigines which totaled twelve thousand. To this should be added not the two thousand warriors of the northern Indians, but their total population of eight thousand, which would make the entire number of Indians in Texas twenty thousand.

It seems a fact, from all available evidence, that the Indian population of Texas decreased during the ten years of the Republic, but to what extent it is impossible to state definitely. The Cherokees and their associate bands were expelled in 1839, and only a few bands ever returned to Texas. During the Comanche Wars of 1840 at least three hundred warriors of that nation were killed.⁵⁴ Lamar's policy of expulsion or extermination certainly resulted at least in greatly reducing the Indian population of the Republic, during the three years of his administration, 1838-1841. Although Houston's peace policy brought about a cessation of hostilities between the settlers and the Indians to a great extent, it did not affect the natural causes such as famine and disease which continued to reduce the numbers of the Indians.

⁵³United States Executive Documents, 24 Congress, 2 Session, House Executive Document, No. 35.

⁵⁴*Richmond Telescope and Register*, April 4, 1840; Brown, *Indian Wars and Pioneers of Texas*, 82-84.

CHAPTER II

SURVEY OF INDIAN POLICY PRIOR TO THE ESTABLISHMENT OF THE REPUBLIC

In order to understand the Indian policy of the Republic of Texas, it is necessary not only to have a clear idea of the location, condition and general character of the Indian tribes within its boundaries, but also to know something concerning the policy which had been pursued toward the Indians before the Republic came into existence. It does not seem expedient to go into minute detail but merely to sketch briefly the policies of the several governments under which Texas existed before setting up house-keeping for itself, and to show the results on the Indians of the application of these policies. In treating the Indian affairs under the Revolutionary Government it has seemed wise to go into greater detail, because the acts of this government had a more direct effect on the policy adopted by the Republic.

I. The Spanish Indian Policy

Spain claimed the larger portion of the two Americas, but her population was small and little of it could be spared to people the New World. In order to meet this emergency, she decided to Christianize and civilize the natives and use them in the development of the frontier. In order to accomplish this, the *encomienda* system was established. The savage was obliged to be controlled if he was going to be made into a useful citizen of Spain, and the Spanish colonizers provided the desired masters. The Indians were distributed among them, to be held in trust or *encomienda*. It was the duty of the guardian to insure the protection, the conversion, and the civilization of the natives; in return he was given the right to exploit them. The *encomendero* or trustee was required to support friars whose duty it was to instruct the Indians in the Christian religion and in the arts of civilization. Great monasteries grew up in the districts conquered by the Spanish colonizers. However, the *encomienda* system was so abused that it resulted in the practical slavery of the natives, who were congregated in the pueblos or villages under the strict supervision of the secular landholders. There were about nine thousand Indian

towns in the conquered districts of Spanish America in 1574. Some four thousand *encomenderos* controlled the five million people inhabiting these pueblos, and paid certain tribute to the king. Gradually the *encomienda* system was replaced by the mission. This was especially true along the northern frontier among the roving tribes, where the position of *encomendero* was not so advantageous as it had been among the tribes of central Mexico and Peru. The ideals of conversion, protection, and civilization were uppermost in the minds of the missionaries and the evils of exploitation were cheeked, though not entirely eliminated. The keynote of the Spanish Indian Policy was the mission system. More than a score of missions were established in the province of Texas alone. The first task of the priests was to spread the Christian religion, then to teach the Spanish language and civilization. The missionaries also served as political agents for Spain. They explored the frontiers, promoted colonization, and defended the interior settlements from the savage tribes. The Spanish Indian Policy, while it proposed to use the Indians in a practical way, was designed primarily to preserve rather than destroy them.⁵⁵

II. Indian Affairs in Texas Under Mexico

In 1821 the condition of Texas was deplorable. The Comanches were waging war against the scattered and unprotected settlements. One of their principal objects was to capture horses and cattle which they drove to the border and traded in the United States.⁵⁶ The civilized population had been greatly reduced in number since the beginning of the Mexican Revolution against Spain, and by 1821 it did not exceed thirty-five hundred.⁵⁷ In 1822 Texas was brought to the notice of the Mexican government through Stephen F. Austin, who made a trip to the city of Mexico in the early part of that year, for the purpose of obtaining confirmation of the permission which had been granted to his father, Moses Austin, January 17, 1821, by the supreme government of

⁵⁵Bolton, "The Mission as a Frontier Institution in the Spanish-American Colonies," in *The American Historical Review*, XXIII, 42-61; *Athanase de Mézières*, I, 17-22.

⁵⁶Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 102.

⁵⁷Bancroft, *North Mexican States and Texas*, II, 76.

the eastern interior provinces of New Spain, to settle three hundred families in Texas. The government was then in the hands of a regency with Iturbide as president. The national congress had been in session since February 24, 1822. Through Austin's influence this body was about to pass a general colonization law, when it was dissolved October 31, by Iturbide who had been declared Emperor the preceding May. Another colonization law was now agitated, and January 4, 1823, it was approved by the Junta Instituyente and Iturbide. The successful revolution against Iturbide rendered this act void. Congress once more convened. The Supreme Executive Power of the nation was placed in three individuals called the Executive Council. The members of this council were Nicolas Bravo, Guadalupe Victoria, and Pedro Celestino Negrete. April 14, 1823, a decree was issued by this body confirming the concession granted to Austin by the Imperial Government. Austin had succeeded in accomplishing his purpose, so he returned to Texas.⁵⁸ The Mexican government now saw the necessity for a colonization law which would give the states a chance to open up their territory to foreign immigration, and on August 18, 1824, the general colonization law was passed. This law authorized the various state legislatures to "as speedily as possible frame laws or regulations for the colonization of those lands which appertain to them, conforming in every respect with the fundamental Constitutional Act, the General Constitution, and the regulations established by this law."⁵⁹ The fact that the Congress of Coahuila and Texas, recognized the expediency of such a law as recommended, is shown by the speed with which it conformed to the suggestion of the central government. On March 24, 1825, congress passed a "Law for Promoting Colonization in the State of Coahuila and Texas."⁶⁰ The preamble to this decree illustrates the desire and evident need of more settlers on the vacant lands in the state, which lands were mostly in the harassed district of Texas:

The Congress, assembled for the purpose of forming the Con-

⁵⁸S. F. Austin "to the settlers in what is called 'Austin's Colony,' in Texas," November 1, 1829, Gammel, *Laws of Texas*, I, 3-25.

⁵⁹Gammel, *Laws of Texas*, I, 97. The General Law of Colonization of the Supreme Government of Mexico, August 18, 1824, Article 3.

⁶⁰Gammel, *Laws of Texas*, I, 99.

stitution of the Sovereign and Independent State of Coahuila and Texas, desirous of augmenting by all possible means the population of its territory; of encouraging the cultivation of its fertile lands, the raising of stock, and the progress of arts and commerce, in exact conformity with the Act on which the Constitution is founded; with the federal Constitution; and the basis established by the Sovereign Decree of the general Congress, No. 72; decree as follows:—⁶¹

Within a month after the colonization law was passed five petitions for permits to introduce colonists were granted, which, if successfully carried out, would cause the introduction of three thousand families.⁶² The era of the American colonization of Texas was well under way. In general, the articles of the colonization law of March 24, 1825, were liberal and offered inducements which brought a steady stream of American colonists from the United States to Texas.⁶³ Empresarios eagerly made contracts to bring in families to this new land of promise, and in spite of the fact that many failed to carry out their agreements the population of Texas rapidly increased.⁶⁴

The entrance of American settlers into Texas brought the Indian problem into prominence. The two most important questions were, how to deal with the wild tribes who constantly committed depredations, and what to do with the more civilized Indians who desired land. At first the colonists were too weak to pursue anything except a conciliatory policy toward the marauding Indians, but later they began to organize and pursue the miscreants.⁶⁵ Mexico gave the colonists no official protection from the savages. Neither military posts were established, nor soldiers sent to guard the frontier.⁶⁶ Austin was given permission to organize the colon-

⁶¹Gammel, *Laws of Texas*, I, 99.

⁶²Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 115.

⁶³Gammel, *Laws of Texas*, I, 99; Bancroft, *North Mexican States and Texas*, II, 73; Yoakum, *History of Texas*, I, 234.

⁶⁴Bancroft, *North Mexican States and Texas*, II, 73.

⁶⁵De Shields, *Border Wars of Texas*, 15-63; Wilbarger, *Indian Depredations in Texas*, 198, 200, 203, 204, 205; Foote, *Texas and Texans*, I, 296; Yoakum, *History of Texas*, I, 226; Brown, *History of Texas*, I, 115.

⁶⁶Bugbee, "The Texas Frontier, 1820-1825," in *Southern Historical Association Publications*, IV, 118-120.

ists into a body of national militia,⁶⁷ and in the early years of the settlement of Texas this was the only official protection available.

The question of the Indians' receiving a legal title to land in Texas came up first with the Cherokee tribe. In the winter of 1819-1820 a band of about sixty warriors of that nation had crossed the Red River and settled south of the Caddo. The earliest statement of the territory claimed by them locates it between the Trinity and Sabine Rivers, north of the San Antonio road.⁶⁸ Between 1822 and 1835 the Cherokees made several efforts to obtain a legal title to this territory, but they never received more than promises from the Mexican government or its officials.⁶⁹ Article nineteen of the state colonization law of 1825 provided that the Indians should be allowed to take up land in any of the settlements on the same terms offered to the colonists.⁷⁰ However, the writer in looking over a list of all land grants made by the State of Coahuila and Texas to November 13, 1835, when the Land Office was closed, found only one grant made to any tribe of Indians. This was a contract entered into with the Shawnees December 24, 1824, by which a square mile of land was to be given to each of the two hundred and seventy warriors already in Texas, and to their friends and allies who might move in at a later date. The President of the Republic acted favorably on the contract, but it was stipulated that the Indians should be under the laws of Mexico, and should not attempt to form a separate nation with laws of their own.⁷¹

The Mexican government was in too unsettled a condition during the time of the American colonization of Texas to assist the settlers in protecting themselves against the wild Indian tribes. In dealing with the more civilized tribes it seems to have been the general intention of both the central and state governments to grant them titles, but from one cause or another this was never done.

⁶⁷Gammel, *Laws of Texas*, I, 31-32.

⁶⁸Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 97.

⁶⁹Winkler, *Ibid.*, VII, 97-165.

⁷⁰Gammel, *Laws of Texas*, I, 96-106.

⁷¹Texas Almanac, 1857-1859, 39-47; Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 129-130.

III. Relations Between Indians and Texas

The causes which brought about the first efforts of united action by the American colonists of Texas, began when Bustamante gained control of Mexico in 1829. Under the influence of Lucas Alaman, minister of relations under the new government, Congress passed the law of April 6, 1830, which provided for the use of every possible means of increasing the Mexican population of Texas, even going so far as to establish penal settlements within its bounds. The eleventh article of this law was especially obnoxious to the American colonists for it "prohibited that emigrants from nations bordering on this Republic shall settle in the states or territories adjacent to their own nation."⁷² Of course, as long as this law was in force there would be a general check on immigration from the United States. But the trouble did not end here, for Mexico had become so suspicious of the American settlers that she believed the most drastic action necessary to prevent the province from becoming a part of the United States at the first opportunity. Under General Teran a military despotism was established in Texas. Colonel Bradburn with 150 men was stationed at Anahuac, which is at the head of Galveston Bay, Colonel Piedras was already at Nacogdoches with 350 men, and Colonel Ugartachea was stationed at Velasco, the post at the mouth of the Brazos, with 125 men.⁷³ Troops were also maintained at San Antonio, Goliad, and a small force at Ft. Teran on the Neches.⁷⁴ Bradburn, who was by nature a despot, made himself thoroughly obnoxious to the Texans as soon as he was put in charge at Anahuac; and by June, 1832, he had goaded some of the hot-tempered colonists to insurrection, in which most of the soldiers were driven from Texas.

This movement was followed by a convention at San Felipe, in October, 1832, in which the colonists petitioned for various reforms and adopted resolutions concerning relations with the Indians. A committee was appointed on October 2 "to inquire into the Indian affairs of Texas; and to fix on some plan for the protection of the frontiers."⁷⁵ On Wednesday, October 3, another committee was

⁷²Johnson, *Texas and Texans*, I, 65-66.

⁷³Bancroft, *The North Mexican States and Texas*, II, 115-116.

⁷⁴Brown, *History of Texas*, I, 167.

⁷⁵Gammel, *Laws of Texas*, I, 283.

appointed "to memorialize the State Government, on the subject of lands granted to, and petitioned for, by the North American tribes of Indians—so as to remove much anxiety evinced by them, which is founded on misrepresentation." The committee was composed of the following members: Charles S. Taylor, W. McFarland, Jonas Harrison, Wily Martin, John Austin, P. Sublett, J. M. Bradly, and W. Hanks, all from East Texas.⁷⁶ Taylor, the chairman, reported on October 5 a petition addressed to the Ayuntamiento of Nacogdoches. The substance of this was to request that the North American Indians residing in Texas who had been promised land should be given legal titles to the territory claimed by them, and to ask that the Indians be assured that the people of Texas desired to help them in obtaining possession of their land and did not desire to deprive them of it.⁷⁷ The committee appointed to inquire into the general condition of Indian Affairs in Texas, and to suggest some plan for the protection of the frontier, also made a report on October 5. From the best evidence obtainable, it had learned that the Indians were daily committing depredations on the frontier. In order to furnish protection for this harassed district it suggested that after the organization of the militia in Austin's and Dewitt's colonies, forty men from each battalion should take turn about guarding the frontier for forty days.⁷⁸

In these reports the twofold Indian policy advocated by the Convention of 1832 is definitely expressed. In the first place the North American tribes were to be put in possession of the lands promised them by the Mexican Government, and in the second place a plan for protecting the frontier settlements against the hostile tribes was to be effected.

In 1835 Santa Anna's efforts to centralize the government caused the Congress of Coahuila and Texas to protest against changes in the Constitution of 1824, and especially against a reduction of the militia.⁷⁹ In consequence of this act the congress was dissolved, and Governor Viesca who attempted to escape to Texas was captured and sent to Vera Cruz. Santa Anna had

⁷⁶*Ibid.*, I, 285.

⁷⁷Gammel, *Laws of Texas*, I, 494-495.

⁷⁸*Ibid.*, I, 500.

⁷⁹Gammel, *Laws of Texas*, I, 398-401.

begun to send detachments of troops to Texas early in 1835, and when the state government was dissolved and a military governor appointed by General Cos, it seemed even to the most conservative colonists that some united action was necessary. A local committee of safety and correspondence was established at Mina (Bastrop), on May 8, 1835, and by the end of August similar committees had been formed in every municipality, precinct, and jurisdiction.⁸⁰ These local organizations arranged for the meeting of a general consultation at San Felipe on October 15, to which each committee was to elect seven delegates. Austin returned to Texas on September 1, 1835, from Mexico where he had been in prison since 1834. By the end of the month the San Felipe committee, with Austin as chairman, had assumed the general direction of affairs. It was apparent now that war was inevitable and on October 1 Austin proposed that each committee send one representative to San Felipe to remain as a "permanent counsel" until the consultation should meet. On the eleventh the Permanent Council organized with five members. R. R. Royal was elected president and C. B. Stewart secretary. When the members assembled for the meeting of the consultation on the sixteenth, so many delegates were with the army that there was not a quorum, so on the day following they adjourned to meet November 1. Those members of the Consultation who were unable to join the army were invited to unite with the permanent council. From October 11 to 31, this body served as the government of Texas. It formulated an Indian policy which was later adopted by the Consultation.⁸¹

Texas was in an extremely critical condition when the Permanent Council assumed direction of affairs. Not only was it about to be invaded by the Mexicans, but it was also in constant danger from the turbulent Indian tribes within its boundaries. During the spring and summer the savages along the frontier had given a great deal of trouble to the settlers on the Brazos and Colorado Rivers.⁸² Reports had been circulated that the civilized Indians

⁸⁰Barker, "Introduction to the Journal of the Permanent Council," in *The Quarterly of the Texas State Historical Association*, VII, 250.

⁸¹Barker, as cited, 250-251.

⁸²Brown, *History of Texas*, I, 283-288.

in eastern Texas were unfriendly, and might join the Mexicans.⁸³ The first step taken by the Permanent Council in regard to the Indians was the organization of a force of rangers to protect the frontier. This act was adopted on October 17, and provided that twenty-five men should be appointed to range between the Brazos and Trinity Rivers, ten to range on the east side of the Trinity, and twenty-five between the Brazos and Colorado.⁸⁴ On October 26 a resolution was passed adding twenty-five more men to the ten who were to guard the frontier on the east side of the Trinity.

While realizing the necessity of protecting the frontier, the Council did not fail to emphasize the importance of maintaining friendly relations with the Indians. The rangers were cautioned not to interfere with the peaceable tribes, and on the 18th three commissioners were appointed to treat with the Indians, and were instructed to promise them redress for their grievances.⁸⁵ In an address to the people of Texas the Council stated that, "already has a line of rangers been established on the frontier to protect the inhabitants from the savage scalping knife. Already have we said we will respect the right of the No[r]thern Indians amongst us so as not to compromit the interest of Texas."⁸⁶

In general, it was the policy of the Permanent Council to guard the frontier against the hostile tribes, and to bring about friendly relations with the civilized tribes.

The Consultation had been called to meet on November 1, 1835, but a quorum was not present until November 3. On that date the house assembled and proceeded at once to business. Branch T. Archer was elected president, and P. B. Dexter secretary. The Indian policy formulated by the Permanent Council was adopted by the Consultation.

A resolution was introduced on November 6 to extend the line of rangers from the Colorado River to the settlements on the Guadalupe.⁸⁷ The committee to whom this resolution was referred, reported on November 9, submitted a report recommending

⁸³Johnson, *Texas and Texans*. (Report of a committee sent by Austin to organize public opinion in East Texas.) I, 286-288.

⁸⁴Barker, as cited, *Quarterly of the Texas State Historical Association*, VII, 260.

⁸⁵Johnson, *Texas and Texans*, I, 297.

⁸⁶Barker, *Quarterly of the Texas State Historical Association*, 264.

⁸⁷Gammel, *Laws of Texas*, I, 521.

that the acts of the Permanent Council on the subject of frontier protection be considered sufficient for the present, except that a line of rangers should be extended from the Colorado River to the Cibolo with a company of twenty men to guard this additional territory, and that ten men be added to the twenty-five which were to range between the Brazos and Trinity Rivers.⁸⁸ A resolution was made and adopted "that the President cause to be made orders in pursuance of the report and resolutions on the subject."⁸⁹ When the Consultation adopted a plan for the provisional government, it included an article continuing the ranger protection. "There shall be a corps of rangers under the command of a major, to consist of one hundred and fifty men, to be divided into three or more detachments, and which shall compose a battalion under the commander-in-chief, when in the field."⁹⁰ No other provisions were made by the Consultation for the protection of the frontier against the Indians.

On taking the chair, after his election as President of the Consultation, Archer made an address in which he put before that body the important subjects demanding immediate attention. In regard to the Indians, he said:

"There are several warlike and powerful tribes of Indians, that claim certain portions of our lands. Locations have been made within the limits they claim, which has created great dissatisfaction among them; some of the chiefs of those tribes are expected here in a few days; and I deem it expedient to make some equitable arrangement of the matter that will prove satisfactory to them."⁹¹

A select committee of three with Sam Houston as chairman was appointed "to whom was referred our relations with the Cherokee Indians and their associate bands." The report of this committee was read and adopted on November 11.⁹² Houston then moved its recommitment in order that a declaration might be drawn up as the report recommended, to be signed by every member of the Consultation.⁹³ On November 13 the committee reported the following declaration:

⁸⁸Gammel, *Laws of Texas*, I, 526-527.

⁸⁹*Ibid.*, I, 528.

⁹⁰*Ibid.*, I, 543.

⁹¹Gammel, *Laws of Texas*, I, 510-512.

⁹²*Ibid.*, I, 532.

⁹³*Ibid.*, I, 532.

Be It Solemnly Decreed,

That we, the chosen delegates of the consultation of all Texas, in general convention assembled, solemnly declare,

That the Cherokee Indians and their associate bands, twelve tribes in number, agreeably to their late general council in Texas, have derived their just claims to lands included within the bounds hereinafter mentioned, from the government of Mexico, from whom we have also derived our rights to soil by grant and occupancy.

We solemnly declare, that the boundaries of the claims of the said Indians to land is as follows, towit lying north of the San Antonio road and the Neches, and west of the Angeline and Sabine rivers.

We solemnly declare, that the governor and general council, immediately on its organization, shall appoint commissioners to treat with the said Indians, to establish the definite boundary of their territory, and secure their confidence and friendship.

We solemnly declare, that we will guarantee to them the peaceable enjoyment of their rights to their lands, as we do our own.

We solemnly declare, that all grants, surveys and locations of lands within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are, and of right ought to be, utterly null and void; and that the commissioners issuing the same be, and are hereby, ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government.

We solemnly declare, that it is our sincere desire that the Cherokee Indians, and their associate bands, shall remain our friends in peace and war; and if they do so, we pledge the public faith for the support of the foregoing declarations.

We solemnly declare, that they are entitled to our commiseration and protection, as the just owners of the soil, as an unfortunate race of people that we wish to hold as friends, and treat with justice, deeply and solemnly impressed with these sentiments, as a mark of sincerity, your committee would respectfully recommend the adoption of the following resolution.

Resolved, That the members of this convention, now present, sign this declaration and pledge of the public faith, on the part of the people of Texas.

Done in convention at San Felipe de Austin, this 13th November A. D. 1835.

This report was adopted and signed by the members of the Consultation.⁹⁴ Its tone is conciliatory in the extreme, and it gave the Cherokees every reason to believe that the Americans

⁹⁴Gammel, *Laws of Texas*, I, 546.

recognized their right to the lands they claimed. The statement that these lands had already been appropriated to the Cherokees by the Mexican government is inaccurate. On August 21, 1833, Beramendi, Acting Governor of Coahuila and Texas, had issued a declaration saying that this tribe should not be disturbed until the supreme government should decide whether it had granted the lands to them.⁹⁵ The supreme government had taken no action so the Cherokees did not have a title to their lands from the Mexican Government. It does not seem to the writer that the declaration of the Consultation pledges anything more definite to the Cherokees than friendship, recognition of the boundaries of their claims, and the desire to have "the governor and general council, immediately upon its organization" appoint commissioners to treat with the Indians for the purpose of establishing the definite boundary of their territory, and to secure their confidence and friendship. When the plan of the provisional government was adopted the following clause was inserted in Article III, concerning the power of the Governor and Council to treat with the Indians:

"They shall have power, and it is hereby made the duty of the governor and council to treat with the several tribes of Indians concerning their land claims and if possible to secure their friendship."⁹⁶

The Consultation made an effort to provide for the protection of the frontier by stationing a ranger force along the border. However, its act of most far-reaching results was the declaration made for the purpose of securing the friendship of the civilized Indians at this critical time.

When the Consultation adjourned on November 14, 1835, it was succeeded by the Provisional Government which it had established. Henry Smith was governor, and James W. Robinson, lieutenant governor. On November 15, Governor Smith sent his first message to the legislative body, the General Council. In this address the governor touched on both points of the Indian Policy which had been practiced by the Permanent Council and the Consultation. In regard to the protection of the frontier, he said:

⁹⁵Winkler, "The Cherokee Indians in Texas," in *The Quarterly of the Texas State Historical Association*, VII, 162-163.

⁹⁶Gammel, *Laws of Texas*, I, 539.

Provisions have already been made for the organization of a corps of Rangers, and I conceive it highly important that you should place a bold energetic and enterprising commander at their head. This corps well managed, will prove a safeguard to our hitherto unprotected frontier inhabitants, and prevent the depredations of those savage hordes that infest our borders. I conceive this very important at the moment, as it is known that the Mexican authorities have endeavored to engage them in a war with us.⁹⁷

Governor Smith also urged the adoption of the policy of the Consultation toward the Cherokees and their associate bands:

Some of our red brethren of the Cherokee, Shawnee, and other of their associate bands are located on certain lands within our limits, to which it is generally understood that they have a just and equitable title. They have lately been interrupted in their title by surveys and locations within the limits which they claim, which has created among them great dissatisfaction, I therefore recommend that you second the measures of the late Convention in this matter, and never desist until the objects contemplated by that body be carried into effect.⁹⁸

It is now necessary to find what provisions were made by the General Council for carrying out each of these recommendations of Governor Smith. On November 21, John A. Wharton, from the Committee on Military Affairs, made a report concerning the organization of a corps of rangers. He said that the committee recommended the immediate organization of three companies of rangers, each company to consist of fifty-six men, the whole number of men, one hundred and sixty-eight, to constitute a battalion under the command of a major. An ordinance was then read which provided for the establishment of the corps of rangers as suggested by the committee. It was approved on November 24, and signed by the governor on the twenty-sixth.⁹⁹ A motion was introduced on December 17, to establish a special company of ten men to range on the headwaters of Cummings and Rabb Creeks whenever necessary for the protection of that part of the country.¹⁰⁰ It was referred to the Committee on Military Affairs, which reported on December 18, that "the corps of rangers already created,

⁹⁷Gammel, *Laws of Texas*, I, 557-560.

⁹⁸*Ibid.*

⁹⁹*Ibid.*, I, 576-577; 924-925.

¹⁰⁰*Ibid.*, I, 676.

is sufficient for the protection of the country, which the said resolution contemplates."¹⁰¹ This is the extent of the military provisions made by the General Council for the protection of the frontier against the Indians.

In order to put into effect the policy of conciliation, the General Council established a standing committee on Land and Indian Affairs. This committee offered a resolution, on December 17, the substance of which was that, in accordance with the declarations of the Consultation, the Cherokee Indians had certain legitimate claims to land, and Sam Houston, John Forbes, and John Cameron were suggested as commissioners to treat with them concerning the definite boundaries of their lands, and, if possible, to persuade them to join Texas in war against Mexico.¹⁰² The commissioners were elected December 22, and Governor Smith issued his instructions to them on the thirtieth. The three most important things the Commissioners were urged to arrange were, (1) that the Indians should never sell the land granted them except to the Government of Texas, which would agree to purchase it at a reasonable price any time in the future; (2) that the Indians should agree to serve, if necessary, in the war against Mexico; (3) that, if found expedient, the Commissioners should exchange the lands the Indians then occupied for others.¹⁰³ In order to assist the Commissioners in making a satisfactory treaty, James Powers wrote them signifying his willingness to allow them to exchange the lands the Indians were then occupying for territory within his and Mr. Cameron's contract.¹⁰⁴

In accordance with their instructions Houston and Forbes concluded a treaty with the Cherokees and their associate bands on February 23, 1836. The preamble reads:

This treaty made, and established between Sam Houston, and John Forbes,—Commissioners on the part of the Provisional Government of Texas, of the one part, and the Cherokees and their associate Bands now residing in Texas on the other part, to wit, Shawnees, Delewarees, Kickapoos, Quapaws, Choctaws, Biluxies,

¹⁰¹*Ibid.*, I, 678-679.

¹⁰²*Ibid.*, I, 698.

¹⁰³Manuscript: Governor Smith to John Forbes, Sam Houston and John Cameron, December 30, 1835. Indian Affairs, Texas State Library.

¹⁰⁴Manuscript: James Powers to Houston, Forbes, and Cameron, December 28, 1835. Indian Affairs, State Library.

Iowaines, Alabamas, Cochatties, Caddoes of the Naches, Tahocul-lakes, and Mataquos— By the Head Chiefs, Head Men, and Warriors of the Cherokees—as elder Brothers, and representatives of all the other bands, agreeably to their last general Council.

This treaty is made conformably to a declaration made by the last General Consultation at San Felipe, and dated 13th November, 1835.

The treaty provided that there should be a firm and lasting peace and friendly intercourse between the contracting parties. The Cherokees should “have and possess” the lands within the following bounds, “laying west of the San Antonio Road, and beginning on the west at the point where the said Road crosses the River Angelina, and running up said River until it reaches the Mouth of the first large creek below the great Shawnee Village emptying into the said River from the north East, thence running with said Creek to its Main Source and from thence a due North line to the Sabine River and with said river West—then starting where the San Antonio Road crosses the Angelina River and with said road to where it crosses the Naches, and thence running up the East side of said River in a north West direction.” The Indians were to move within this boundary before the expiration of eight months, were not to extend their settlements beyond it, or allow any other tribe of Indians to settle with them in the territory assigned. The Texans in turn were not to intrude into the Indian lands, but lands which had been already granted before the settlement of the Cherokees in the before mentioned bounds, were not conveyed by the treaty. The territory granted to the Indians was never to be “sold or alienated to any person or persons, power or Government whatsoever,” except to the Government of Texas, nor was it to be leased under any conditions. The Indians were allowed to govern themselves provided they did not make any regulations contrary to the laws of Texas. All property stolen either from the citizens of Texas or from the Indians was to be restored and the offender punished by his own people. The government of Texas reserved the right to regulate trade and intercourse with the Indians, but no tax could be levied on this trade. In order to see that the Indians received full justice at all times an agent, appointed by the government, was to reside with them.¹⁰⁸

¹⁰⁸Manuscript: Treaty between Commissioners for the Provisional Gov-

There is no record that this treaty was ever brought before the Council for ratification, but it is significant as being the first Indian Treaty formulated under the direction of the revolutionary government of Texas. Of course, it does not give the Cherokees a legal title to the lands they claimed, but it is certainly a clear promise that they shall be given one. However, it was impossible at this time to issue any titles, as all the land offices had been closed since November 11, 1835, to remain closed "during the agitated and unsettled state of the country."¹⁰⁶

The necessity of establishing peaceable relations with the Comanches was the next important Indian question which came up before the Governor and General Council. A letter from Lieutenant Colonel J. C. Neill, written January 7, 1836, states that an ambassador from the Comanche Nation reported those Indians in a state of hostility toward Texas, but that they were willing to suspend hostilities for twenty days for the purpose of meeting Commissioners and making a treaty. The Comanches had suggested that each party send five Commissioners for the purpose of forming a treaty of "Amity Commerce and Limits." The letter was written from Bexar.¹⁰⁷ The Standing Committee on Land and Indian Affairs, to whom the letter was referred, reported resolutions January 17, 1836, which were passed. The committee considered it of the utmost importance to the interests and safety of the citizens of Texas, especially those on the frontier, that the friendship of the Comanche Indians should be secured. In order to accomplish this, commissioners were to be appointed at once to go to San Antonio and meet the Indians. The sum of five hundred dollars was appropriated to defray the expenses of negotiation. Edward Burleson, J. C. Neill, John W. Smith, Francisco Ruiz, and Byrd Lockhart were elected Commissioners.¹⁰⁸ The writer has been unable to find any record of a treaty made by these men with the Comanches.

A new phase of the Indian question presented itself to the Governor and Council early in January, 1836. It was reported that

ernment of Texas and the Cherokee Indians and their Associate Bands, February 23, 1836. Indian Affairs, State Library.

¹⁰⁶Gammel, *Laws of Texas*, I, 541.

¹⁰⁷Manuscript: J. C. Neill to the Governor and Council, January 7, 1836. Indian Affairs, State Library.

¹⁰⁸Gammel, *Laws of Texas*, I, 798-799.

a large body of Creek Indians from the United States were about to move into Texas, where they would buy land from certain settlers. January 2, 1836, the Committee on the State and Judiciary made a report in which it referred to this question. It declared that those citizens of Texas who were arranging to introduce the Creek Indians into Texas, were following "a course dangerous to the country and in the highest degree criminal and unpardonable." The governor was advised to instruct Austin, Wharton and Archer, the Commissioners to the United States,¹⁰⁹ to remonstrate with that government against permitting the Indians to enter Texas. The governor was also requested to discover if possible the names of the citizens of Texas engaged in the negotiations with the Creek Indians.¹¹⁰

The controversy between Governor Smith and the Council came to a crucial point a few days after the above resolutions were passed, and there is no record of any further action taken on the subject. On January 10, 1836, the Council declared the Governor's office vacant, and appointed the Lieutenant Governor, James W. Robinson, to fill the place.

In his message sent to the Council on the 14th, Acting Governor Robinson recommended that the Council remain permanently in session until the Convention should meet "as there is no other authority to provide for the speedy organization of the ranging corps, and particularly for the security and protection of the inhabitants of the frontier of Red River, where no force is yet stationed or raised." He further suggested that the rights and privileges of those citizens who were settled within or near "the settlement of the Cherokee and other tribes of Indians," be provided for by law. He said that a commissioner ought to be appointed to treat with the Cherokees in the place of General Houston, who was then at the front with the army. None of Governor Robinson's suggestions were acted upon. It is true, that resolutions were passed January 17, recommending a treaty with the Comanches, as has been stated above, and commissioners were appointed for that purpose, but this action was taken on account of the letter from Colonel Neill. This completes the discussion of the Indian policy of the Provisional Government of Texas.

¹⁰⁹Gammel, *Laws of Texas*, I, 534.

¹¹⁰*Ibid.*, I, 724-725.

The Convention met March 1, 1836, at Washington, in accordance with the ordinance passed by the General Council on December 11, 1835. Richard Ellis was elected president, and H. S. Kimball, secretary.

The convention was so busy declaring Texas Independence, framing a constitution for the new republic, and reorganizing the army for its protection, that very little was done in regard to the Indians. However, a resolution was passed on March 3, providing for a regiment of rangers to be raised.¹¹¹ Several days later information was received that a large force of Indians had gathered just above the San Antonio road, and a resolution was adopted authorizing Captain Black and Captain Bennett to raise a company of volunteers, not exceeding fifty men, to disperse the Indians and proceed to Bexar. This resolution was, however, reconsidered on March 10.¹¹²

The Committee on the Constitution reported March 9, and from that time until the Convention closed, the principal subjects of discussion concerned the provisions for the new government. Before adjourning the Convention established a government *ad interim*, to direct the affairs of the Republic, until the Constitution could be ratified by the people, and the officers elected. The officers elected by the Convention to serve under the *ad interim* government were: David G. Burnet, President; Lorenzo de Zavala, Vice-President; Colonel Samuel P. Carson, Secretary of State; Bailey Hardeman, Secretary of Treasury; Colonel Thomas J. Rusk, Secretary of War; Robert Potter, Secretary of Navy; and David Thomas, Attorney General.¹¹³ The Convention having finished its work, adjourned March 17, 1836. The affairs of Texas were now in the hands of the *ad interim* government, and the Indian policy it adopted will be discussed in the next chapter.

¹¹¹Gammel, *Laws of Texas*, I, 840.

¹¹²*Ibid.*, I, 858.

¹¹³Johnson, *Texas and Texans*, I, 395-396.

EDWARD HOPKINS CUSHING

AN APPRECIATION BY HIS SON

E. B. CUSHING¹

When the sturdy pioneers who formed the advance line of Anglo-Saxon civilization had driven the Mexicans beyond the Rio Grande and established a new limit of Spanish ideals and customs, Texas, the borderland, became the abiding place of a heterogeneous people who came, individually, from social, intellectual, and moral strata, separated between wide extremes. There were men of education and ambition who had left the old states for the broader opportunities of a new country; there were those whom the lure of virgin land had drawn from the farms; and there were many who came hither to make a fortune easily and quickly with no discriminating restraint as to methods by which the end might be reached. Whilst this latter class bore a small proportion to the whole population, they made up in activity what they lacked in numbers and were a menace to society, requiring the constant watchfulness of those who were determined that Texas should stand for a moral and orderly government. Into these surroundings the subject of this sketch came, fresh from the rigorous moral, as well as climatic, atmosphere of New England about a dozen years after the domination of Mexico had forever ceased.

Edward Hopkins Cushing was born in Royalton, Vermont, June 11, 1829. A paternal ancestor, Matthew Cushing, a native of Hardingham, England, was a member of a party of a hundred thirty-three under the leadership of Robert Peck, M. A., rector of Hingham, who left England because of religious disagreements.

¹June 15, 1921

My dear Mrs. Looscan:

With this I send you the biographical sketch of my father, which you were kind enough to request me to prepare. I have delayed writing it because I hoped to have someone do this who could do it better. In the 42 years that have elapsed since his death, all those who knew him well enough to do justice to his life and character have passed away. The notes enclosed are crude but will have to serve as best they may. There were few lives in which so much of lasting good to Texas were encompassed in so brief a time.

Sincerely,

E. B. CUSHING.

They landed in Boston August 10, 1638, and settled at Hingham, Massachusetts. His father, Daniel Cushing, was a farmer and trader. His mother, Nancy Anthony (a native of Providence, Rhode Island), was of a family that has taken prominent part in the history of New England. Her rigid Puritan training was softened by a gentle and forbearing disposition and her life of unselfish acts and kindness endeared her to all who knew her. Her character and training were an active influence in the life of her son which was only stilled by his death.

Working on the farm, studying when opportunity permitted, but reading good books from his early boyhood, young Cushing was able to enter Dartmouth College at the age of sixteen, graduating with the class of 1850, a few days after his twenty-first birthday. During his college life he evinced a partiality for literature and ancient languages. He was an interested reader of economics and history and developed a firm belief in the principles of true democracy including the right of local self-government.

Having elected education as his life work, he believed that he would find a field of usefulness, amid congenial surroundings in the new state of Texas. His education having exhausted his means, he borrowed the funds necessary for the journey, and sailed from Boston, landing at Galveston within a few months after his graduation. After teaching a while at Galveston, he went to Brazoria County, conducting schools at Brazoria and Columbia. This locality, having been the seat of government, there had drifted thither a number of men strong in character and active in the affairs of state. The young New Englander found the surroundings pleasant and the associations congenial. His predilection for writing found field in the local paper, the *Democrat and Planter*. This paper had an extensive circulation for those days and wielded quite an influence. His sound opinions on public questions soon brought him into prominence and, whilst sometimes vigorously combatted by the, so-called, liberals, he won his way into the confidence of the best element of the people. Before a great while he acquired an interest in, and, as one of his early associates remarked, "*became*, the paper."

During a visit to Houston, then a village of twenty-five hundred inhabitants, he was so impressed with the business activities of the place and its future possibilities, that he resolved to make it his

home. As soon as arrangements could be made, he, in October, 1856, acquired control of the *Houston Telegraph*.

On the first anniversary of his assuming control of the paper he said editorially: "Our aim has been to publish a paper which should be at once the commercial organ of the principal business city of the state, a welcome visitor to the families of both planter and townsman and also a zealous worker for the principles of the great democratic faith and the success of the party that supports these principles. . . . We have also been devoted to the railroads as being now of the utmost importance to Texas. In doing this we have taken the broad ground that railroads should be built to accommodate the country at large. The more avenues of trade and travel that are opened, the better it will be for the planting community. Hence, we have said that towns are of secondary importance. The first question is to help produce to the market rather than as to *what* market, preferring to open communication to all, so that produce might have the benefit of choice and competition." That principle was as sound as it was broad and had it been more closely followed in building the railroads of Texas, much would have been saved which was wasted in the endeavor to use the construction of a railroad as a means in the building of certain communities or trading centers rather than, the future considered, that they should serve the population as a whole.

In that period the newspapers were real leaders of public thought. Their readers relied on them to work out the right side of public questions and their influence was a powerful factor in the structure of the state. The editor was untrammelled by the business office or by the sinister influence of combinations of selfish schemers. He must have vision and the prophetic gift to foresee the workings of time. Like a watchman in a tower, he must see danger coming from afar and be able to warn his public of the results of the policies and plans of those who sought to enrich themselves at the public expense or those who, under the plausible guise of liberal policies, would weaken the moral fiber and undermine the principles of good citizenship.

The *Telegraph* was one of the most powerful factors in strengthening the cause of good government in the decade that preceded the Civil War. Its columns were filled with pleas for good government and with editorials condemning graft and disrespect of

the law. However, it did not go to the extremity of those who suffered from what its editor called the "Big Pious." Cant and hypocrisy had no friend in him. He did not plant his banner on dizzy heights which were beyond the power of weak humanity to reach. Taunted by the criticism of correspondents who thought his views too liberal, his editorial in reply was characteristic of him and indicative of the independence of his paper: "For the benefit of Pacificus, Theologicus, Blue Lawicus, or any other Cuss, we will say once for all that we are opposed tooth and toe nail to:

Profane swearing
Intemperance
Sabbath breaking
Idol worship
Duelling
Gambling
Lying
Backbiting
Preaching what you don't practice
Kissing other men's wives;

but we regard all *laws* against these things as undemocratic, unsuitable, useless, and tending to increase the wickedness they are framed to allay. That is our position without argument. If Pacificus desires to attack it, he is welcome. If it suits us to publish the articles, when he hands them in we will do so, if it don't, we will not. The *Telegraph* is a moral paper, but its Editor has his own notions of morality and is particularly prejudiced against pinning his faith on any one's coat tails." The vigorous independence of which the above is an example, went far to establish the *Telegraph* in the confidence and respect of the red-blooded men who were laying the foundations for an empire.

As an editor Mr. Cushing never considered personal popularity or the effect which the position of the paper might have on its commercial support. A striking example of this is evidenced by an incident which occurred at a time when the patronage of the city government in official advertising and job printing was a valuable part of the paper's earnings. Before the building of a bridge across the Galveston Bay, the products of a large section of Texas were brought to Houston by ox-wagons and transferred to

steamboats over wharves owned by the city. The same was true of the movement of supplies in the reverse direction. To meet the expense of maintaining these wharves and warehouses and of the roads leading thereto, the city imposed a specific tonnage tax on the produce and supplies. As the interior was settled the volume of the traffic increased and the proceeds of this tax exceeded the requirements of its purpose. The surplus was used in defraying the ordinary expenses of the city government. The *Telegraph* took the position that the collection of this tax was wrong in principle and was a tribute exacted from the patrons of Houston as a port which would ultimately react against the commercial prosperity of the town. Almost every issue of the paper contained an editorial attack on the tax and a demand on the City Council to repeal the same. The City Council and many of the merchants defended the tax and a mass meeting was held to support the authorities. To touch the "pocket nerve" of the local taxpayer the authorities stated that if this tonnage tax was repealed the general tax levy would have to be raised and the citizens would have to pay more taxes. Hurling back this attack, like a modern trench bomb, the *Telegraph* charged that this statement was a self-confession of inefficient government and an evidence of a lack of frankness hitherto in dealing with the citizens. The editor said: "Let us ask any taxpayer in this city if he would, individually, act on the principle our city has been acting on. We dare any of them to come out plainly and admit that they would. . . . Are two, five, or twenty men engaged in a theft less guilty than one alone?" Again: "Honesty is the best policy. Justice to the country is our only salvation." Public opinion was divided, but finally at a taxpayers mass meeting the position of the *Telegraph* was endorsed. The City Council shortly afterward repealed the tax. As an evidence of respect for the editor and of approval of the high position taken by the paper, a large party of citizens surprised the editor by crowding into his sanctum and presenting him with a valuable gold watch engraved:

E. H. Cushing

From the property holders of Houston

May 1860

Seldom do we see delegations of property holders bearing valuable gifts to those who are instrumental in raising their taxes.

Mr. Cushing was an earnest advocate of education in both grammar schools and university. He, at all times, supported legislation which might advance the cause. All through his ownership of the *Telegraph*, its columns were open to communications on educational matters and there are many editorials which evidence his deep and sincere appreciation of the value of education. Space in this article will not permit the reproduction of these. A few quotations must suffice to show his views on the question of a Texas University. "We are much in favor of an institution of learning in Texas which will, in every way compare with Harvard, Yale, Dartmouth, Princeton, or the less famous but equally worthy old colleges of the South. It is in our power to have such a one and we certainly hope the legislature will promptly take the matter in hand." Again: "We desire to see a university in Texas equal to any in the United States and at which all, rich and poor, may have the means of education unsurpassed anywhere. We wish to see one whose endowment shall purchase a first rate library, a first rate apparatus, a first rate astronomical laboratory with telescope equal to Cambridge or Cincinnati, to support a first rate corps of teachers and besides to annually educate gratuitously at least forty to fifty whose right to the benefit should be found in their scholarship."

During the Civil War the supply of books for the grammar schools was limited and some of those brought from northern states contained matter which was objectionable to Southerners. To meet this emergency Mr. Cushing interested competent educators in Texas in preparing a series of spellers, readers, and arithmetics, which he published. He supervised the work himself, editing and reading the proof sheets. This was a labor of love as the high cost of materials and the limited market made the venture a financial loss. He also published several books by Texas authors, among them *Poems of Mollie E. Moore*, *Botany of Texas* by Mrs. M. J. Young, *Taylor's Masonic Monitor*, *Sayles' Practice*, and other law books.

Mr. Cushing had a sympathetic leaning toward young persons who had talent and ambition to advance themselves in literature, art or music. It was the delight of himself and wife to have these

young people at their home and to entertain and encourage them. There were no normal schools in those days and they directed and assisted many young persons in preparing themselves to teach. Whilst editing the *Telegraph*, Mr. Cushing became attracted by the writings of a young girl who lived at Tyler and Mrs. Cushing invited her to visit in the home. She traveled by stage to Houston. This girl, Mollie E. Moore, became the beloved poetess of Texas and author of a number of books. The attachment formed in those days extended through their lives and continues "even unto the third generation." Cornelia Risley (Penland), the soprano, and her sister, Eulalia, whose rich contralto voice was recognized in Europe, were visitors at "Bohemia" in their girlhood days. So were many young musicians, artists and writers, who found congenial and sympathetic surroundings and often substantial assistance in "the days when little counted much." Mr. Cushing's early life on the farm created a love for agriculture. He was a practical horticulturist and florist, as well as a student of botany and animal genetics. This led him to acquire property opposite South End High School, then far out in the suburbs of Houston, where he built a home which was his solace and recreation. Several acres were set aside for flowers and shrubs. The rarest and most beautiful flowers were propagated and raised. He delighted in massing collections of rare plants, arranged to give beautiful effects when in bloom. A staff correspondent of a northern newspaper stated that the flowers of "Bohemia" were one of the most complete collections in the United States, she having counted more than three hundred varieties on one visit. He did not sell flowers or plants, but delighted in encouraging their cultivation by presenting those who were interested with cuttings or seedlings. His gardens and stables were the nearest approach to an agricultural experiment station then in Texas. What were rare vegetables in this new country, such as artichokes, asparagus, celery, cauliflower, etc., etc., were first grown in this section in his gardens. The *Telegraph* employed a practical agriculturist, Mr. Affleck, of Brenham, as a staff correspondent and published at regular intervals advice on seasonal planting, riddance of crop pests, etc., for the benefit of the farmer and the home gardener. Both through personal investment and experiments, and through the *Telegraph*, he urged the improvement in breeds

of farm animals and the breeding out of the "longhorn" and the "razorback."

The library, filled with books of a scholar's selection, was the trysting place of savants as well as students. Long after the sale of the *Telegraph*, "leaders" for several Texas newspapers were occasionally written on that library table. When anything out of the ordinary occurred in the skies, parties would gather to use the telescope (then the largest in this section), and enjoy discussions of astronomy. But space is filling before the story of this great life is half told. When the clouds began to gather, Mr. Cushing's strong love for the South and its people came out in bold relief. Deep down in his heart was a longing for continuing peace between the section of his birth and that of his adoption. However, he knew too well the attitude and influence of the abolitionist in the North and the slaveholder in the South, to mislead himself into the belief that the conflict could be avoided. He espoused the cause of the South and the *Telegraph* stood in clear position on all questions arising before as well as after the secession of the southern states. When the inevitable came, he sought to make the *Telegraph* a medium of circulating reliable news of the progress of the war and of encouraging and enheartening those at home and in the field. The paper never suspended publication during the war, though several issues were printed on butcher's paper, and one on wall paper. The good work of the paper was recognized by President Davis and his Cabinet, and General Magruder, then in command in Texas, tendered the editor a commission on his personal staff.

When the end came he advocated a speedy return to the vocations of civil life to the end that the prosperity of the South might be restored. During the time in which the South was passing through the shadow of reconstruction the *Telegraph* wielded a powerful influence for the suppression of the iniquities of the renegades who flocked to the stricken Southland for personal gain and who, for political reasons, sought to create and keep alive strife between the emancipated slaves and their former masters. With many readers among the best people in the East, and its editor having the confidence of those in power at Washington, much was done to hold the "carpetbagger" grafters and troublemakers in check. So effective was his effort that Governor Davis wrote a

letter to President Johnson protesting against the granting of a political pardon to E. H. Cushing and suggesting that he be hanged. In all this period, however, he counseled moderation, urged respect for the good people of the North with whom we must abide in our common country. His feelings for the negroes were kindly, appreciating that they had little to do with the fact that they had been a bone of contention in a conflict between members of a superior race.

In view of recent occurrences an editorial which was written only a short time after General Lee's surrender, would seem worth publication at the present time. The views stated are really prophetic. The sentiment, expressed fifty-six years ago, has lost none of its freshness and beauty through process of time. How much the negro race owes to such friends as this, they will never know. It is largely due to such wise and considerate counsel that Texas came through that awful period with so much less that was hard to bear and that the relations of the races were adjusted with less tragedy than in some of our sister states. The editorial was published August 25, 1865, and is as follows:

There has always existed in the South, and in the South alone, a genuine, hearty, healthy, earnest wish for the welfare of the negro. Although the Southern people were jealous of the interference and gratuitous opinions of professed abolitionists, in consequence of the harm to society they had in some instances done, and were still calculated to do, yet among themselves even the largest slave-holders frequently and earnestly discussed the whole subject; some expressing opinions in favor of ultimate emancipation, and all looking forward to the time when they should have opportunity, free from embarrassing intervention, to make those legislative and social improvements necessary to the greater intellectual, social and moral welfare of the black race. And as we do not stultify ourselves in other things, so we must not stultify ourselves in this matter, by abjuring and casting aside our old friendship for the black race. We must not give the fanatics the opportunity they earnestly desire, of proving that we were always enemies of the race, by becoming unfriendly to them in consequence of the annoyances incident to their sudden emancipation.

We are the only portion of the people of the United States deeply and practically interested in the well-being and well-doing of the black race. We must, therefore, do all we can for them now that they are free, as well as when they were our slaves. We cannot take care of them and protect them as well as we once did. But

we can advise them, counsel them, help them in many ways, and win and retain their confidence, which is all-important to our being able to do them good. We have acted candidly with them. We have told them they were free. We have shown no unwillingness to let them go free. Let us now do all we can for them as free black people, morally, intellectually, and legislatively. We are in no danger of any equality of which we need be jealous. We are in no danger of anything but the mischief-making of abolition emissaries, and abolition correspondents in misrepresenting us to the Government. The time will come when we can act untrammelled in regard to them, and then we shall do our duty to them.

A very sensible correspondent of the *Austin Intelligencer* gives a very timely and sensible "word of advice" in regard to our temper and conduct toward our emancipated negroes. It is the same in scope and spirit as our editorial in the *Telegraph* of some two months since, in which we exhorted our people against the injustice and folly of suffering ourselves to become prejudiced in feeling or harsh in conduct toward our late slaves, however foolish and vexatious their conduct, or however many and great our inconveniences in consequence. We have always been the best friends the negroes ever had, and we always must be. We must prove that the whole agitation professedly in behalf of the welfare of the negro, and which has at length resulted in his emancipation, was originated and promoted not by the friends of the negro, but by his worst enemies. Secession and the war, as it turned out, hastened the emancipation of the negroes, but they would have been ultimately emancipated anyhow, without secession and the war.

This view of the case is as certain to be the decision of history as that history shall be written. We could not save it in the Union; we lost it by trying to go out of the Union. At any rate it is dead, and for our own part we are perfectly satisfied with the manner in which it came to its end. It is written upon the mind of the civilized world that it was taken away from us, not by the election of Mr. Lincoln, nor by secession, but in conformity with a foregone conclusion on the part of the abolition party, despite Mr. Lincoln or anybody else, to destroy it whenever there was sufficient strength to do it, regardless of all constitutional guarantees, and despite the protestations of its enemies to the contrary. Secession gave them fortuitously the support of the government, and hastened the result, but they were determined on it anyhow.

It is in the conviction of this truth, and the desire to hide it from view, and to bolster up their own consciences, that the fanatics, notwithstanding peace is made, continually ring the charges upon "rebellion," "traitors," "rebels" against the Government, and "fighting against the old flag." We have to submit to it, with all

the variations of the tune; but the "still small voice" which cannot be drowned by all this "whirlwind," steadily whispers into the universal conscience of the civilized world, that there was, antecedent to all the secession and all the war, a deep, treacherous purpose of infidelity to the constitution, and wrong to the constitutional rights of the Southern people, without one spark of christian feeling for the welfare of the poor negro to alleviate the moral character of that purpose.

That purpose went even farther than this: it coolly contemplated the time when the Southern people should be tempted beyond endurance, and should break out into open resistance, when it was intended to crush her by overwhelming numbers and resources. It has all taken place according to program, and although the Southern people have many sins to repent of and atone for, they need fear no moral comparison with the original plotters of all this evil to our whole country, both North and South. Neither the masses of the North or of the South ever contemplated such a catastrophe. They were brought into collision unwittingly, as is often the case in social life, by the continued machinations of comparatively a small party. And we firmly believe that the time is not far distant when the honest masses of both the North and the South will do justice to each other, and will unite for the overthrow of those moral and political outlaws who have caused all this mischief. President Johnson, although he could not save the institution of slavery had he been disposed, is nevertheless, we believe, the centre of a rapidly forming conservative party, which is to be composed of the honest men of both sections, who will unite together for the promotion of a good understanding between the North and the South, and for the meting out of just punishment upon the heads of the real and original traitors to the peace and life of the nation.

A few years after the close of the war Mr. Cushing sold the *Telegraph*, investing the proceeds in the wholesale and retail book and stationery business in which he continued until his death, January 15, 1879.

Mr. Cushing was a life long member of the Presbyterian Church; his religion was broad beyond the lines of creed. Pastors of other protestant churches, Jewish rabbis, Catholic priests, were his friends and he delighted in working out with them a translation of some abstruse phrase written in ancient language. He gave of his means for the relief of distress, and for the support of religious work, without regard to what church organization would benefit

thereby. Touching his religious work his pastor and bosom friend, Dr. J. H. McNeilly, who now lives in Nashville, Tennessee, says:

When I went to the pastorate of the First Presbyterian Church in Houston, April 1, 1877, the only live and efficient thing about the Church was the Sunday School with Mr. E. H. Cushing as Superintendent, and he, in that position and as a Ruling Elder in the Church, became one of my most active and wise helpers in all my work.

He had only recently become actively interested in religious work; but he brought to it all the energy and practical sense which he had exercised in business and in public and political service. By his organizing ability he built up the Sunday School to a membership of over five hundred, and by his enthusiasm, he inspired the zeal of the teachers, and aroused the interest of all the Church members. So that all took a pride in the school.

There were two things that worked for success. The children loved him. He was a man of genial temperament, who loved children; and he tried to make the teaching bright and attractive; and he was ever devising things for their pleasure. Soon after my arrival, he gave a reception at his beautiful home, for me to meet the children. I noticed that every one of four or five hundred children went home with a big bunch of flowers from his abundant gardens. Another thing, he insisted on his teachers studying the lessons and preparing themselves to *teach*, not merely to entertain. I found myself frequently confronted during the week by a teacher, asking me some question, which I was often not able to answer.

In his church work I found his cooperation very valuable. He was progressive, but at the same time was faithful to the fundamentals of the faith as revealed in the Bible. While, like every true man, he had his own personal trials and spiritual experiences, which were kept sacredly from the knowledge of the world, yet he was bold and open in his defense of the gospel, and he never hesitated to talk religion, and to urge it upon others in any proper circumstances; and especially among the congenial company of kindred spirits, who often gathered in his office at the rear of his book store. Being a man of education and of broad literary culture, his opinions carried weight.

His influence as a religious man was illustrated by a remark at his funeral. The gathering to pay respect to his memory was the largest ever accorded in Houston to a private citizen. A lawyer of the city known as a skeptic, as he left the church said, "Well, it pays to be a Christian, when he can win such love as shown here today." His kindly influence extended to all classes and conditions in the city.

Another feature of his religious life was his generous giving to the church and to every benevolent cause. He was interested in every good cause and work. There was no spirit of narrow sectarianism in him, but he rejoiced in the prosperity of all the churches that stood for a pure gospel.

Going to Houston as a comparatively young minister, my association with him was wonderfully helpful to my intellectual and spiritual growth. I was pastor there for only three years. But in that time by his help and that of the other officers largely inspired by him, the Church grew from about a hundred members to a membership of two hundred and fifty; and foundations were laid, largely by his influence, for the marvelous growth of that church to the largest membership, about two thousand, in our Assembly.

Mr. Cushing's home life was an open book. His wife, born under the flag of the Republic of Texas, was truly a helpmeet and a companion. Being a woman of education and a reader of good books, she made the home his most prized recreation. There was a remarkable sympathy in tastes and thought between them, so that when business adversities came or the cares of life seemed to press hard against him he found comfort and solace in his quiet home with his family.

When at last his spirit was taken, the respect of his fellow man was evidenced by a great memorial service in which the Sunday Schools of all denominations participated.

Among those who helped to build up Texas—pioneer, soldier, statesman—each did well his part, but to men like E. H. Cushing who, in a modest way, worked and fought for the triumph of the right, who gave succor to the weary and encouragement to the despondent, living lives which, in themselves, were inspiration for good, is due much that forms the part of Texas history which will endure. As was said of an eminent divine in connection with the late war: "Probably when the true balance can be struck, these written and spoken words will be found to have accomplished more than thousands of armed troops."

THE BRYAN-HAYES CORRESPONDENCE

EDITED BY E. W. WINKLER

III

HAYES TO BRYAN

Cin[cinnati] May 31st 1857

Dear Guy

Hearty congratulations upon your nomination. I learned it this moment and sincerely rejoice at your success. None of your friends in Brazoria Co looked for the news from the Waco convention more impatiently than I have. For two weeks I have been a daily reader of the 'Delta,' Picayune & Bulletin—dry papers which usually I scarcely glance at—hoping to hear from the convention. Strangely enough it comes first in the New York Tribune. New York is always ahead.

I have for sometime, in the feeble light I could get here, feared that the chances were against you. I saw you were stronger than either of your competitors—far stronger—but I feared as often happens that all of them would combine against you as the formidable candidate. Besides I feared from what I saw about your opponent who resides at Galveston and the movements of his friends that the lawyers would be likely to oppose you, or to favor another, and as my profession in the 'rural districts' particularly, are all politicians I thought there was danger in that direction. And so in my ignorance of the exact posture of affairs I have conjured up a variety of causes which probably had no existence but which might work your defeat. Worst of all however I heard some days ago that Runnels was nominated for Governor. No mention was made of Congressmen but I inferred your defeat supposing that the candidate for Governor was your old neighbor from Mississippi, and I thought that both candidates would hardly be taken from the same County.

Well this is a long story to let you know how I am relieved and delighted with this result. I feel as Birtie did the other day about the Rhubarb pie. He could hardly be induced to taste it. But on trying it was very fond of it burst out "I thought I didn't like it—and I tried it—and I did like it—and then I was so happy."

There is I take it no doubt of your election. Now get married, and you are fairly on the road both to distinction and what is better happiness.

I don't want to have your labors increased by writing to me, but send me some paper containing the ballotings in your Convention, and after the election the returns. Your Democrat & Planter is very deficient in these details, figures &c though quite interesting in the main.

Regards to all—

As ever

R. B. Hayes

P. S. Ordinarily Cincinnati Congressmen are not men that you would care to associate with, But in the next Congress we send two able honorable gentlemen—men superior in all estimable qualities to either of our Senators. My only objection to them is that they agree with you in general politics.

H.

BRYAN TO HAYES

Gulf Prairie P. O. Brazoria Co¹⁹

June 15th 57

Dear Rud

Yours of 31st ult was recd on yesterday evening & I hasten to answer it.

I thank you my friend for your congratulations, may your predictions & hopes as to the future be realized.

You desire to know the ballotings in the Convention. I will give them. There were 33 ballots.

On the first I stood 30; [Hamilton P.] Bee, [of Webb County,] 25; [M. M.] Potter, [of Galveston County,] 16; [A. P.] Wiley, [of Walker County,] 15.

2nd Ballot I got 31, Bee 25, Potter 16, Wiley 15.

My positive strength was 31, Bee 25, Potter 16, Wiley 15. I was the second choice of a majority of the Delegates voting for the others.

Had it not been that the State Convention met at the same time & place with the District Convention I should have recd a large majority on the first ballot. But the friends of the State

¹⁹The original of this letter, folded and addressed, is among the Bryan papers. The copyist did not find it in the Hayes papers. Perhaps, through an oversight it was never mailed.

Candidates who were Delegates to the District Convention traded votes more or less. This left me a plurality. All the wire working politicians were opposed to me, but the *people* were & are with me. Wiley would not withdraw & in consequence kept up the ballots otherwise it would have been decided in a short time in my favor. The two third rule was adopted which encouraged the hope with those opposed to me that I might be defeated. All the other candidates have opposition. As yet I have none, & it is thought that I will have none, yet I should not be surprised if Houston were to bring out some one in opposition as I have condemned his course & shall do so whenever occasion offers.

The people are with me & I presume I shall be elected but I shall electioneer but little & if I were to consult my own feelings none at all, the party has claims upon me & in a few days I shall turn out.

I have written this much merely to gratify you as you desired the information.

Runnels lives in Bowie Co & is a sensible but not a brilliant man. The whole ticket is *thorough Southern Rights* of my school of politics & you know what that is, & what I think of Calhoun.

Mrs. Joel Bryan is now in Ohio Should she visit Cin. you will of course see her. She is & will be during the summer at Cambridge visiting her sister Mrs Skinner. Mary & her youngest is with her. Stephen's wife is in Iowa. Stephen & I are opposed to spending money among you Black Republicans. Rud during the next four years we shall see another crisis. What think you of the decision of the Sup. Court "On Dred Scott Case"?!

Kiss Birtie for me & tell him I will get him a big "*Rhubarb pie*" when I see him. Kind regards to your wife & other relatives. Where is your Uncle *love* to him

You say I must marry I would give up all hope of *distinction* for a good wife, Love to George & my namesake Guy & remember me kindly to his wife

As ever Yours

Guy M Bryan

A friend of mine who went on with Mrs Bryan Mr Millican

may be in Cin. if so remember he is *my friend* gave letters to you & George introducing Mrs Baker & Miss Runnels they too are among my best friends

HAYES TO BRYAN

Cin[cinnati] July 10, 1857

Dear Guy

I am glad to notice that you are likely to have a very smooth race of it. With a determined opposition a contest in a district of such magnificent dimensions as yours would be a serious business.

I was at Kenyon Commencement (time changed to the first Wednesday in July)—many friendly inquiries were made about you. Quite a bitter rivalry has sprung up between the two old societies—an amusing partisanship is the result. All the bad passions belonging to the larger politics of the world are exhibited in miniature. You would have enjoyed looking on as I did.

George and myself have been looking for your friends and from their non arrival as yet we suspect they have given up coming. Lucy and the youngest have started for the country where I shall soon follow with Birch.

You must enjoy the peppering which "Old Sam" is getting. Write me when you have time.

As ever

R.

HAYES TO BRYAN

Cin[cinnati] Apr 5, 1858

Dear Guy

I have been quite busy lately, but luckily got my eye on your short speech on volunteers &c. I suppose this was your maiden effort in the House.²⁰ It was no doubt a success. You did well all you attempted to do. By asking if you were "dissipated" I referred of course to the social dissipation, balls, soirees &c of Washington. As you are unfortunately a bachelor I thought you

²⁰Mr. Bryan's remarks on the bill to raise one regiment of Texas mounted volunteers for the protection of the frontier appear in *The Congressional Globe*, 35th Cong., 1st Sess., 1174.

might be on the look out for some legitimate avenue to a knowledge of "domestic institutions" and in that connection I asked you an old question which was a bye-word with you and old Trow and myself at Kenyon. What are the "*prospects*"? The "*prospects*" referring, as I hope to remind you, to Trow's courtship of Mary (or was it Jane!) Douglass.

I am glad you have kept clear of a set speech on the doleful subject of Kansas. I cant help thinking less of a man who on either side of that question feels impelled to talk when it is so obvious that it is squeezed dry. If drawn into an offhand debate it is all right; but of deliberate malice to perpetrate an essay for fear some body may not understand the Member's position shows a want of taste, self-reliance or something else that I deem essential.

Times are growing better with us—business men pushing ahead again, and the great crash will soon be forgotten.

You notice of course the singular phenomenon called by the religious press the "great awakening." It is a quiet, unobtrusive, decorous movement thus far and yet very absorbing and universal. I watch it with much interest. In no event can there be much harm in it—the reaction of such a revival, which must come, will naturally partake of the peaceful character of the movement and be attended with little mischief; while results permanently useful may reasonably be expected from the "awakening" itself.

I suppose you have little time to think about either soul or body. I wish your district and by consequence your labors was diminished to one tenth. You might then think of "*prospects*."

We have no court today it being election day for municipal and township officers.

As ever

R.

HAYES TO BRYAN

Cincinnati, Oct 11, 1858.²¹

Dear Guy

I received yours of the 27th this morning. I am very glad to hear that you are to marry Laura Jack. I recollect her perfectly. She was when I saw her a bright, pretty, sweet girl of ten or twelve with a face and figure that gave promise of much beauty. You are a lucky man after all. I feared you were doomed to live and die a bachelor. I have possibly some crotchets on that subject, but I am in the habit of expecting to see bachelors eccentric, given to hobbies, and with many ways and notions which are objectionable. Intellect, education and sound morals and affections do not seem to be a protection from these tendencies. "Its no use talking" Guy, you are to be married in the nick of time. You have a prize I am sure. You will be happier, you will make your friends happier, you will be a wiser and a better man. Things that now seem to you so important, which interest and perplex you over much, will sink to their proper places. Home and wife, family and friends will rise. A thousand thousand congratulations on this happy event. You don't yet appreciate it yourself. A year or two of married life will work wonders.

I shall see your wife of course. She probably does not recollect me. I remember her dark hair and eyes in contrast with the singular beauty of her older sister, a blonde. But enough, I am in favor of the Union—a union far more important to your future than that other Union which we quarrel about so much.

You are going out of public life for a time. I rather regret that. With a wife and family it would not be so absorbing as it is now.

Our election takes place tomorrow. It is a very exciting struggle. Elements are now taking position for the future. It is to be decided whether the Democracy will control this city and

²¹The letterhead shows a change in the law firm from Corwine, Hayes & Rogers to
R. M. Corwine.

R. B. Hayes.

CORWINE & HAYES,
Attorneys at Law,
Office in Selves' Building,
Third Street.

county in the future as in the past. A decisive preponderance either way will fix the course of things for some little time. I barely escaped being in the fight. I suppose that by simply saying 'yes' I could have received the nomination in Mr [William S.] Groesbeck's District, and that I could have been elected over him. With the present candidate I think he will be beaten. I mean that Mr. Groesbeck will be beaten, but it is not by any means a clear case. Mr [George H.] Pendleton I suspect will be reelected. But what odds does it make? You are to have a wife and home, and that's worth all the seats in Congress twice told. My love to your wife. She is a capital woman I know. Blessings on you both.

As ever,

R.²²

The enclosed is my oldest—Birtie.

²²Two letters from his old friends Fay and Jones:

Columbus O. Jan 21, 1859

Dear Guy

I am very much in want of a volume published by Congress in 1858, and on the strength of a promise made me a year or two since when you were examining some Natural History Books in my Library, that when you went to Congress you would send me whatever I might want, I take the liberty of requesting you for a copy of the General Report upon the Zoology of the several Pacific Railroad Routes. Part 2d. The Birds, by Spencer F. Baird. You are aware that I pay great attention to Natural History, and therefore venture to trouble you for this Book, which I would not do if I could obtain it in any other way. I am satisfied however that, if you can find time to attend to it, you will do so with the greatest pleasure.

Are you never coming to see us again, or do you intend never to let us hear from you again. I know you are deeply engaged in Politics but can you not spare a few moments to drop a line to your old friends

Yours sincerely

H. Tudor Fay

Cincinnati June 16th 1859

Dear Guy

A line from me will visit you like a spirit of the past and maybe call up sweet memories. My whole household were sadly disappointed in not seeing you and Mrs. Bryan, especially as you gave me to believe you would not run again. I regret it for my part exceedingly as I hoped to unite our friendships by that of our wives, but I'll not despair though I feel you have not made many efforts to see your old Ohio friends. Since my return from the east, my little folks have been almost the entire time for ten weeks confined in hospital by scarlet fever. Five at once. Just think of that Guy and shudder. I cannot feel too grateful for the restoration to health and am now happy at my country home with rosy cheeks and smiling faces about me. I have taken a house for the summer five miles from the city and find the free bracing air of the highland environs give me a sharp appetite, and sound frame. So even

HAYES TO BRYAN

City Solicitor's Office,
Cincinnati, Sept 10th 1859.

Dear Guy

It is a long while since I have heard from you or written to you. I have thought of you often as often as ever, and take as great an interest as ever in you and yours. We are sorry not to have seen you and your wife before you left for the South in the Spring. This will not I hope be the last of you in Washington. I do not question your sincerity when you express disgust with political life at Washington. No doubt its dark side is dark enough; yet that ought not to drive from the public service good men whose tastes opportunities and abilities point [them] out as fitted for public station.

How is your wife? How are you living? Write me of all your affairs; how is Stephen and your older brothers? Uncle Birchard spent a good deal of the winter & Spring with me. He often talks of you all. He has tolerable health now and does not change rapidly. He has joined the Presbyterian Church and is largely interested in church and religious matters. He is free from all sectarianism and bigotry, takes cheerful and hopeful views of things and is as clear of all that is disagreeable

if I am not entirely a farmer I am half way between my farm and my store, and have good chance to draw comparisons. Yes verily God made the country, man made the town.

We are now on the eve of our harvest, with cheering prospects for great abundance. The recent frosts of great severity checked vegetation for a short time, but the weather being so favorable since nature has bloomingly regained her losses. I hope our increase will only be but the reflection of that in the South. Then wild wars deadly blasts may blow. If gentle peace reigns at home our country will soon recover from the disastrous blight of 1857.

Friend Rud still shares the honors of the political hand having been only recently a prominent candidate for a seat on the Supreme Bench of our State. His own apathy and another nigger issue threw him off. Yet you can see how he stands at home. . . .

My Guy exhibits many traits of fine character, with daring recklessness to keep alive the remembrance of his father's boyhood. His uncle Guy has a large place in his memory.

Please let me hear from you and believe me as ever your friend

G. W. Jones

My Grandfather Col Johnston you may notice is chairman of the Board of Visitors at West Point. It is his last effort from home. 87 years give few travelling facilities.

in many persons who are religiously inclined, as any one I ever knew. He is a happier and perhaps a better man.

My wife and boys are my world, and occupy all my time, or nearly all which is not given to business. Outside of my profession, I read occasionally a good book, and keep a general run of politics. This summer I made a trip with Birtie to Kenyon. Rogers is there studying Theology. I staid with Julia Buttles *Smith*. Mrs. Solace (Harriet Platt), Lizzie Campbell (Little) and Dr John L. were all there pleasantly reminding me of old times. I have also during the vacation of the Courts made a pleasure trip East and to Mamoth Cave.

[Stephen A.] Douglas was here and spoke last night. It is supposed by most of his friends that the South will consent to his nomination at Charleston, and if so his chance of winning the Presidency seems very good. His last expression of his views in Harper²³ certainly strengthens him in the North.

Write to me

As ever

R. B. Hayes

BRYAN TO HAYES

Galveston Jan 24th /60

Dear Rud—

I recd your letter, your welcome letter some time since, and I ought to have answered it some time ago, but when it came I was absent, and when I got back I postponed writing until I left again, and when I returned home I found so many things to look after that I permitted first one thing and then another to shove your letter aside until now I am really pained that I have delayed not forgotten you so long.

First, Rud, I have a baby, a fine son born on the 17th inst. He is doing well so is my wife. I know that you will rejoice with me, my friend. I would like much for you to see him. Every one says he is so like his father.

I have built a comfortable house in this place and may live here permanently. This is more the desire of my wife than my

²³"The dividing line between federal and local authority. Popular sovereignty in the Territories." By Stephen A. Douglas, in *Harper's New Monthly Magazine*, September, 1859, pp. 519-37.

own, the country I prefer, and if I don't live in Brazoria Co I may have a plantation higher up on the Brazos. I like this city very much, and if it were not for the Yellow fever, it would be the most desirable place to live in of all our Southern cities, for the climate is so delightful in summer.

I am out of politics, thanks to my wife and my own good sense. Yet I do not know how long I shall stay out. I find the old passion at times very strong within me. The Union is trembling to the center. How long it will stand God only knows. You know my views. They are unchanged only strengthened by a term at Washington. I really did not care to go back.

Write me and let me know how you and your family are. How my friend and your Uncle Birchard is. I was really very glad to hear that he had joined a church, not that it would make him better, but possible happier. He is a good man and I sincerely esteem him.

Present my regards to your wife and mother, also to Doc Webb and do not forget to kiss little Birch for me. Tell Jones to write to me and that I never got the works on grapes that he said he sent to me.

I am as ever your friend &c

Guy M Bryan

Present my regards to Groesbeck and ask him if he is not glad that he is not at Washington.

HAYES TO BRYAN

City Solicitor's Office,
Cincinnati, Feby 7th 1860

Dear Guy

I am very glad to hear of your good fortune. Me and my wife send congratulations to you and your wife—our boys to your boy. Not done in the best of English but the sentiment is sound and the good wish sincere. I am glad to hear from you once more.

George and myself held a class-meeting or if it is more in your line a caucus over your long silence a few weeks ago, and we began to fear that the deadening effect of long separation added to intensity of political separation had ended our correspond-

ence. You are the only college friend from whom even an occasional letter or reminder is to be expected. All the rest have drifted off into unbroken silence.

I like Galveston as a home with a summer retreat from the Fever. Ladies and Gentlemen getting respectable if not venerable prefer I find a City; but children ought to be in the Country. We hope to enjoy both conditions hereafter. Uncle has nearly finished a beautiful residence in a fine grove about a mile from Fremont, which is to be our home in Summer.

You know we have three boys, the youngest nearly two, the eldest 'going on seven.' All fine boys of course, and what is not so fine they are all just getting well of the measles,—they have had (the two oldest) all the other baby complaints except the scourge of this climate scarlet fever, and that we hope to escape.

Uncle is in usual health. Matthews of Columbus, Butties & Case are all doing as well as ever—B. better than usual, he is a church member and nearly rid of his insane appetite it is thought. Dr L. as usual. Geo J. is East buying stock (goods). The Dr. [Joseph T. Webb] is with me: still a bachelor, and the best nurse and boy amuser living. I would recommend you and your wife if there are any bachelor brothers to cultivate them with increased affection; they are so useful when you have had enough boy, and that time comes occasionally, you will find, strange as it may now seem. But these little ones are a great comfort. No doubt you will so find it. The precious little Guy, I hope he will be healthy and a living happiness to you all these many many years.

As ever

R. B. Hayes²⁴

²⁴The following letter from Levi Butties announces the death on April 19th of Dr. Douglass Case, a graduate of Kenyon and of the medical department of the University of Pennsylvania:

Cleveland, O., May 23, 1860.

My dear friend,

I have for weeks been trying to get time & get started to drop you a few lines.

So far away as you are, & your time so occupied in political matters I thought it extremely doubtful whether you had heard of the death of, may I not say, your *warmest* friend & *greatest* admirer, for "he could love much" & next to his dearest relation I think you stood. I therefore at this late day enclose you a couple of notices one taken from a Colum-

HAYES TO BRYAN

Cincinnati May 8, 1861

Dear Guy

I have just received and read your letter of the 27th ult.²⁵ It does me good to hear from you again. I have thought of you often since these troubles began. Curiously enough, having a bad cold and a slight fever, I dreamed of many things last night. Among others I dreamed of seeing you at the Burnet House, that you wore on your cap some sort of Secession emblem and that you were in danger of getting into difficulty with some soldiers who were in the rotunda, and that it was after some effort that I succeeded in getting you rid of them. I should have written you soon even if I had not heard from you.

Your predictions as to the course of things have indeed been very exactly fulfilled. I can recollect distinctly many conversations had twelve perhaps even fifteen years ago in which you pointed out the probable result of the agitation of slavery. I have hoped that we could live together notwithstanding slavery, but for some time past the hope has been a faint one. I now have next to no hope of a restoration of the old Union. If you are correct in your view of the facts, there is no hope whatever. In such case a continued union is not desirable were it possible. I do not differ widely from you as to the possibility of conquering the South, nor as to the expediency of doing it even if it were practicable. If it is the settled and final judgment of any Slave State that she cannot live in the Union, I should not think it wise or desirable to retain her by force even if it could be done.

But am I therefore to oppose the War? If it were a war of conquest merely, certainly I should oppose it, and on the grounds

bus paper signed M & written by Judge F J Mathews of Columbus, & the other from a Cleveland paper. . . .

Yours truly

L. Buttlers

²⁵In a letter to the editor, Mr. Charles R. Williams says, "I fear the Bryan letter of April 1861 must have been lost. I have never seen it—to my regret, as it was no doubt most interesting, to judge from Hayes's reply and his comment on it in a letter to his uncle."

Hayes's comment appears in a letter to his uncle May 12: "Bryan writes me a long, friendly secession letter—one-sided and partial, but earnest and honest; perhaps he would say the same to my reply to it."—Williams, *Life of Rutherford Birchard Hayes*, I, 121.

you urge. But the war is forced on us. We cannot escape it. While in your state, and in others, perhaps in all the Cotton growing states, a decided and controlling public judgment has deliberately declared against remaining in the Union, it is quite certain that in several states rebellious citizens are bent on forcing out of the Union states whose people are not in favor of secession—that the general Government is assailed, its property taken, its authority defied in places and in a way not supported by any fairly expressed popular verdict. Undoubtedly the design to capture Washington is entertained by the government of the Southern Confederacy. Undoubtedly that Confederacy has not by its *acts* sought a *peaceful* separation. Everything has been done by force. If force had been employed to meet force I believe, several states now out of the Union would have remained in it. We have an example before us. Two weeks ago Maryland was fast going out; now aided by the power of the general Government the Union men seem again to be in the ascendant. The same is true of Delaware, Kentucky, Missouri and Western Virginia, with perhaps allowances in some quarters.

I do not of course undertake to predict what will be the ultimate object of the War. I trust it will not be merely the conquest of unwilling peoples. Its present object, and its obvious present effect, is to defend the rights of the Union, and to strengthen the Union men in the doubtful states. We were becoming a disquiet, demoralized people. We are now united and strong.

If peaceful separation were to be attempted it would fail. We should fight about the terms of it. The question of boundary alone would compel a War. After a War we shall make peace. It will henceforth be known that a state disappointed in an election cant secede, except at the risk of fearful war. What is left to us will be ours. The war for the purposes indicated—viz for the defence of the capital, for the maintenance of the authority of the Government and the rights of the United States, I think is necessary, wise and just. I know you honestly differ from me. I know that thousands—the great body of the people in some states, perhaps agree with you, and if we were only dealing with you and such as you, there would be no war between us. But if

Kentucky, Virginia and other states similarly situated leave the Union, it will be because they are forced or dragged out; and our Government ought not to permit it if it can be prevented, even by War.

I read your letter to Judge [Stanley] Matthews. We agree in the main respecting these questions: I shall be pleased to read it to George when we meet. He has two brothers who have volunteered and gone to Washington. Lorin Andrews, Prest of Kenyon, our class-mate is Col of a regiment. My brother in law Dr Webb has gone as a surgeon. I shall not take any active part probably unless Kentucky goes out. If so the War will be brought to our own doors and I shall be in it. If I felt I had any peculiar military capacity I should probably have gone to Washington with the rest. I trust the War will be short and that in terms just to all Peace will be restored. I apprehend, and it is, I think, generally thought that the War will be a long one. Our whole people are in it. Your acquaintances Pugh, Pendleton and Groesbeck are all for prosecuting it with the utmost vigor. Vallandigham is silent, the only man I have heard of in any party. He has *not* been mobbed and is in no danger of it. I will try to send you Bishop McIlvaines address on the War. It will give you our side of the matter. We shall of course not agree about the War. We shall I am sure remain friends. There are good points about all such wars. People forget self. The virtues of magnanimity, courage, patriotism, &c &c are called into life. People are more generous, more sympathetic, better, than when engaged in the more selfish pursuits of peace. The same exhibition of virtue is witnessed on your side: May there be as much of this, the better side of war, enjoyed on both sides, and as little of the horrors of war suffered, as possible, and may we soon have an honorable and enduring peace.

My regards to your wife and boy. Lucy and the boys send much love.

As ever

R. B. Hayes

P. S. My eldest thinks God will be sorely puzzled what to do He hears prayers for our side at church, and his grand-

mother tells him that there are good people praying for the other side, and he asks "How can he answer the prayers of both?"

HAYES TO BRYAN

Thirty-ninth Congress,
U. S. House of Representatives.
Washington, D. C. 15th Feb 1866²⁶

Dear Guy

Enclosed you will find Stephen's papers. The reason I didn't write again I discovered on another visit after writing you that you had previously been pardoned.

There is really no reason to feel any uneasiness because of the delays in acting upon the cases of the different Southern States. Those which send Union men will be represented in Congress, and fully restored without any severe or degrading conditions. There is a great deal of nonsense on all sides, but no substantial interests are likely to be sacrificed. I am told that the Committee on reconstruction will report favorably on Tennessee at an early day.

I really can't tell about land sales. We hear some hard stories about the treatment Northern people get in many parts of the South. This for a time will naturally discourage the purchase of lands.

I am in much haste. Love to yours
As ever yr friend

R. B. Hayes.

HAYES TO BRYAN

Cincinnati Oct 1st 1866

My dear Guy

Your letter of the 18th came duly to hand. It finds me in the midst of an unusually exciting political struggle. The election is next week. I am a candidate for re-election and expect to succeed by a large majority. I will bore you with only a few words on politics.

²⁶The date when the correspondence between Bryan and Hayes was resumed after the war has not been ascertained. This is the earliest letter from Hayes found; however, it refers to at least one earlier. The letters from Bryan to Hayes up to May 18, 1867, have not been found.

I think the election will show that the people are resolved to adopt the Congressional plan of reconstruction. It does not *disfranchise* any body in the South. It disqualifies for holding office those who have been leaders—the *old* office holders. All young men are qualified although implicated in the Rebellion. The disqualification probably applies to no man in your State who is now under twenty seven or eight years of age. Recollect too that the disqualification can be removed in any case by a two thirds vote of the Senate and House. That vote will be obtained in all cases in a few years if peace and loyalty are restored in the South. You have of course seen our plan. I send you one of my electioneering speeches which contains the different sections and let me frankly say *that if we carry these elections this plan contains the best terms you will ever get, and they should be promptly accepted.* The young men are with us almost universally. The life and energy of the North is with us. If the elections are against us we shall submit. If they are for us the Democracy will submit. We shall be united in any event. Do not be again deceived with the hope of Democratic help in a further struggle. I hope you will give the Congressional plan a fair hearing. If we succeed you must adopt it if you regard your own welfare.

I am very much obliged by the photographs. They are in our Album of particular friends and near relatives. My wife is in love with the fine faces of your children. I can readily believe all you say of your boy.

I have three boys living—my three eldest. We lost two boys—both under two years. Birchie, aged 13 is in all respects a noble and promising boy. Webb aged 10 and Rud aged 8 are good boys also. They are all absent from home now. The two big boys with their Uncle at Fremont and Ruddy at Chillicothe. My mother now aged 75 is at Columbus in good health. Uncle often talks of you and would give a great deal to see you. If you come North do try to visit him as well as myself. My brother in law (whom you know) Dr Webb is travelling in Europe. My wife's mother died a few weeks ago. With no small children and no old person about the house my family seems small. I hope I shall see you soon.

I am sure you did all that friendship required to meet Gen Fullerton. I count upon the constancy and sincerity of your feelings by what I know of my own towards you. The only things he could have said to you was to give you my views of the future duty of the South. If we succeed in the elections now pending don't be deceived by Andy Johnson. The North will be far better united during the next struggle, if unhappily there is one, than during the last. Johnson and his office holders will be "a mere snap—a flash in the pan." Ten thousand majority in Ohio is as good for practical purposes as a unanimous vote. We shall be united in action. We shall submit if the majority is clearly against us. Our adversaries will submit if it is otherwise. My last word is don't let Andy Johnson deceive you. He don't know the Northern people.

As ever

R.

HAYES TO BRYAN

Dear Guy

Cincinnati 5th Nov 1866

I would have sent the enclosed letter as to Stephen's affair before, but I have been absent attending in the last sickness and at the funeral of my Mother at Columbus and Delaware. She died without pain in the possession of her faculties to the last, and confident of the future. She was almost seventy five years of age. Uncle Birchard was with her and the most of her grandchildren.

My regards to your wife and the little folks.

As ever

R B Hayes.

BRYAN TO HAYES

Dear Hayes—

Galveston May 18th 1867

After the receipt of your last letter I wrote you a long letter in reply mostly in regard to the condition of our country &c. I concluded not to send it but to wait until you wrote to me again. You have not done so, and I have concluded to write and not to wait on you. You did not send (or I did not receive) the speech you mentioned having sent to me made by you in your canvass—consequently I am left to rumor and my own deductions as to your political position and views.

From your votes (as I occasionally meet with the votes of your House) I infer that you are with the Extreme party. I am truly sorry that when you and your wife came to N Orleans that you did not write to me in advance informing me of your coming and I would have met you there, *to be with you*, and get your views, and to give you *facts* as to Texas.

I have no political aspirations of any kind. I could not indulge them even if I had them. I have kept as quiet and unobtrusive as it were possible for any one to be since the Surrender of this side of the Miss. I have done so not from any craven spirit, but from a sincere desire to set a good example and to facilitate reconstruction, and a proper submission to the powers that be. I am now as earnestly anxious for a restoration of good will between the Sections, and reestablishment of the Union as you can be. I desire it from correct motives. I say in all truthfulness that I believe *nine tenths of the people of this State and the South feel the same way*. Can my assertions have any force with you? It is humiliating to repeat these things to you, and to feel that perhaps they will not be believed. I did think at one time that I would not write to you again on politics until after all was peace, and my State once more was recognized as such, but my friend I cannot refrain from doing so, when I see the studied efforts made to get up difficulties between the Whites and the Blacks. The most extravagant addresses are made by designing white men to the negroes—deceiving them and exasperating them against their former master. We are willing that the negro should vote without hindrance under the reconstruction act. We do not desire or intend to interrupt them in any way; it is not our *policy* or our interest to prevent them from having all the liberty allowed them under the law, and really it is not our desire to deceive but if possible to aid in elevating them; for they are here amongst us, and it is to our interest as well as theirs that they should be enlightened as much as possible. This is not only my view, but it is the opinion of every well informed Southern man I have talked with. Then why oppress us and get up a war of the races by exciting the negro against the white—which in the end must result so disastrously to the negro! Hayes let me appeal to you as one with whom

I have so often broken bread, whose associations so long were identical with my own, whose blood and skin are from the same tree (for your mother was an *Austin*) I beg of you to aid in resisting the reckless manner with which the question of races is dealt with by the agitators at the South. The people of the South have to act under the reconstruction law in *good faith*—*lend your efforts to enable them to do it!*

I want you to give me your *private* opinion (which I will regard as *private* if you should desire me to so observe it) whether I stand in any danger of my landed property being confiscated by future legislation of Congress—to me *individually* your opinion is of great moment, for I am cramped now in my *plans* for the *future*, not knowing what a day may bring forth. You know I have recd the President's pardon on the recommendation of Gov Hamilton and others and my own petition. I have rented out my residence here, and will leave within four weeks for a place I am improving in the country on the Bay ten miles from this city. If I can go forward with confidence in my plans, it will be greatly to my interest and comfort. I ask you as an old friend to write to me candidly whether you think I stand in the slightest danger from confiscation. If I do not, of course my brothers do not.

Recently I learned that Genl Griffin who commands this district is the "Charley Griffin" who was at Kenyon from Granville, Ohio, when we were there. If you know him, write to him what sort of a man I am. I intend to call on him, and I would like that he and Genl Sheridan should know my character, for circumstances might enable me to serve the Govt, the people of Texas and be of benefit or rather aid to them *if they knew my character* from one who knows my love of truth, and steady adherence to principle and my word, as well as any one.

You were with Sheridan and a line to him also from you might not be unproductive of good. I give you my word that the association thus brought about will be used by me for the good of the country only and not for any individual purposes whatever. Write to me Hayes immediately on recpt of this and tell me what you think of our status, and especially let me know about confiscation. The idea is being spread among the negroes

that the lands of the whites will be taken and given to them and that they will have their own rulers and their own government &c.

Give my sincere regards to your wife and children—

Yours Guy M Bryan

P. S. When you see your Uncle tell him to come down and see me. He will always receive a warm welcome from his old friend. I have never had but one sentiment towards him that of affection. Should you and yours come here my house of course will be your home and it will be the pleasure of my wife and myself to make you and your wife feel that your wearing blue and I gray has not affected our hearts toward each other.

I am going to a very quiet place in the country immediately on the Bay where I shall be free from all the noise of the political battle that may be going on around me. If I can I want to keep out of difficulty with anybody.

BRYAN TO HAYES

Dear Hayes

Galveston June 24 1867.

Your welcome and satisfactory letter in reply to one from me in regard to confiscation &c has been received.

I did not write to you after your last, not because you had "offended" me, but because after having written a letter, I thought perhaps your party bias and your standpoint would not permit your friendship to rule and take my statement and reasoning as meant and for their worth. I do not *know* what your political sentiments are. I am left to infer them. I suppose you to be a *Conservative-Radical*. I still think you my old friend, and my heart warms towards you whenever I think of you as such. I might *regret* that you held views adverse to mine, but the holding of them would not "offend" me, and prevent my writing. It was natural for you to side with your section, fight its battles, and now in govt sustain what you think its policy. I think that the powers that be, have greatly erred in policy, greatly erred in statesmanship in their treatment of the people and States of the South. I think wisdom points to undoing the wrongs and errors committed by the govt and its agents as rapidly as possible. I write this not as a discontented and refrac-

tory rebel, but as one knowing something of politics and statesmanship and the history of nations, and the principles of our own govt. I am opposed to any more political troubles. I want *the govt* to be *stable*, I fear no disturbances from the South—its people are ruined, they need and pray for peace and a stable govt. Can the same be said of the Northern people?

The Southern people are *at the feet of the Northern*. I ask at least from you magnanimity and justice. Now, they are at the mercy of the military officials, and negroes whom you know are not their equals in any respect, are in many respects placed above them. There is not I assure you any disposition on the part of the former masters to prevent the negroe from having all the rights given to them under the law—not that they would have passed such laws but being the law they honestly mean to sustain and act under it—*honestly* they wish to act and in good faith *reconstruct* under the *law* provided by Congress. But such obstructions are thrown in the way of their registration, and the negroes by some are so misled (by demagogues) and have such ignorant and impudent notions, and act with premeditation to provoke difficulties with the whites, that I do not know what will be the result. The *whites* want to reconstruct if permitted. I thank you for *your* opinion for the future. I value it or I should not have asked for it, but if the U S govt does not confiscate, negroe juries and negroe legislators may. Is it possible Dear Rud that you can not raise your voice against the doom of the South. You are remote from the scene of our troubles and if you were in our midst perhaps would only see the bright side of the question and would only lend your ear to those who would speak through "loyal mouths." You will not in reply say "You have brought this on yourselves." "Rebellion is a great crime," &c. The people of the South with a unanimity unparalleled resisted the U S Govt. So did the Fathers of '76; *they* succeeded; we *failed*. Is failure a *crime* in the eye of the liberal, refined and educated? I know your nature. *You* will not judge us in this way. You can and will raise your voice in behalf of right, humanity, justice, and statesmanship. I said in my last letter to you that your mother was an Austin. I here say that the Southern and Northern people are of the same

blood and people, and that they and the negro are not from the same stock. I do not mean to *change you*, but simply to call to your mind these subjects. You once came to the relief of the Nu Pi Kappa. Come now to the relief of the Southern *people*, as a *man* carrying out the feelings and acts of the youth.²⁷ I know not your ambition or your views, but the South is worth cultivating by the American Statesman.

I thank you for your letter of introduction to Genl Sheridan. I do not know that I shall ever use it. It may be of service. I thank you whether I present it or not. I am living about ten miles from this city on the Bay shall remain there until cold weather and perhaps longer.

Present my regards to Mrs. Hayes.

Guy M Bryan

"The reference of this appeal is explained by following incident. The account of this incident was not written down till nine years later, in response to a request from William B. Bodine addressed to Guy M. Bryan for some reminiscence of Kenyon College. Mr. Bodine published it for the first time in *Scribner's Monthly*, March, 1878, p. 704.

"There were in those days two rival literary societies in the college—the Philomathesian and the Nu Pi Kappa; the last known as the Southern Society, and the first as the Northern, because the students of the slave states belonged to the one, and those from the free states to the other. The college for years had been largely patronized from the Southern States, but this patronage gradually waned until, in the winter of 1841, there were so few Southern students in the college that the members of the Nu Pi Kappa were apprehensive that the society would cease to exist for want of new members. This was a serious question with the members of the society. I determined to open the subject to my intimate friend Hayes to see if we could not devise some mode to prevent the extinction of the society, which was chartered by the state and had valuable property. We talked over the subject with all the feeling and interest with which we would now discuss the best means of bringing about an era of good feeling between the two sections of the country. At last Hayes said, 'Well, I will get "Old Trow," Comstock and some others to join with me, and we will send over a delegation from our society to yours, and then we can make new arrangements so that both societies can live in the old college.' He and I then went to work to consummate our plan. Ten members of the Philomathesian joined the Nu Pi Kappa. A joint committee was then appointed from the two societies, that reported a plan by which students could enter either society without reference to North or South. Thus Hayes, by his magnanimity, perpetuated the existence of the Nu Pi Kappa society, and should he be elected president, I earnestly hope that he may be equally successful in his best efforts in behalf of a civil policy which will wipe out forever the distinction between North and South in the government of our common country."

HAYES TO BRYAN

Washington 9th Nov 1868

Dear Guy

I came here last night chiefly to attend to your cause. The President has just given me an order for *the pardon of yourself and brothers*. I congratulate you all.

I concur fully with the sentiments of your letter. I hope you will all agree to one further amendment of the Constitution, viz the basis of representation to be voters.

This I deem very essential. Don't commit yourself *against* it until I can write you fully.

I return home tomorrow. All Cincinnati friends are well. Regards to your wife.

As ever

R B Hayes

BRYAN TO HAYES

Near Galveston City Jan 1st 1869

Dear Hayes

My nephew Guy is spending his New Years with us, and his visit to Columbus brings up the past, and I greet you with a Happy New Year to *you* and *yours*.

I was so glad to hear from Guy of your cordial reception of him and his mother [Mrs. Joel W. Bryan]. Glad to hear too that Mrs Hayes called with you to see my sister. I have more than once taken up my pen to write to you, but your *short* letter (last recd) induced me to hope that you would write again. I feared too that my letters of *complaint* might not be agreeable to you, although you said in your last that you liked my frankness. I hope (now Grant is elected) that we will see better days in the South. He was not my preference but I believed he would be elected when he was nominated by your party, and so said up to the election. I have not thought, and do not think, that he will be a *partisan* but that he will be the President of the *United States*.

There is but one sentiment among the thinking men of the South, and it is "give us *peace*." Give us confidence, hope, and a foundation on which we can rebuild. All are willing that the negroe shall have his rights of person and property fully pro-

tected and in these to be equal to the white man. But to be the equal at the ballot box and in our social relations for one, I am not willing—not willing, because they are not qualified and because *God* has stamped them differently. If we could have immigration from the North and capital from any quarter, we could with hope be once more prosperous. What is in the future for Texas? I ask for information. I want to know for my *own sake* for I keep near the shore. I have been afraid to leave it. I live retired and humbly, on a little farm ten miles from Galveston. I have never been at a political meeting since the Surrender, nor participated in any political plans or movements. I deemed this the proper as well as the most prudent course for me with my antecedents. Had I been a "Union man" before the war, I should have acted differently. Write me fully in reply. Your letter shall be *private* as all your letters on politics are unless you say to the contrary.

I have three children. My oldest is a boy the others girls. Your oldest is in my wife's album along side of yourself. I should be glad for my wife and yours to know each other. I think I have one of the best in the world, and Guy says your wife looks like one of the very best. My Sister and Guy were much pleased with your wife. Give to her my sincere regards with the hope that when the clouds that hang over my State are dispelled, that prosperity will visit me again with the rest of her citizens, and enable me to visit you in Ohio as I would be pleased to receive you in Texas. The Past—the past can not, will not be forgotten by me; the memories of Old Kenyon are still dear and the face of my dear friend and classmate [is as] often before me as in days of disinterested friendship. *You* I know love those days, so do *I*. You were (to me) a great part of them though our *Uniforms* are different, still our *hearts* are the *same*. You did what *you* thought was *right*, so did I. I now bow to the *power* I have *felt*, and in manly truth say I wish to strike no more blows, for *mine* are weak and *I know it*. I yield obedience to and will in good faith support the government that protects me, this is the sentiment of the South. Hayes do try and make your leaders believe it. Give O "Give us *peace*"—that peace that springs from *Civil law, justly made, and intelligently executed*.

My wife would send kind messages but she and my children are in Galveston.

Direct to me care of Ballinger & Jack Galveston.

Sincerely your friend Guy M Bryan

P. S. I talk to my children about you. They know you. Do yours know me? Regards to Platt.

HAYES TO BRYAN

State of Ohio
Executive Department.
Columbus, 21st Jan'y 1869

My dear Guy

Your New Year's letter made me happy. Time is rapidly getting our political differences out of the way. We shall hardly be as wide apart again as we were ten years ago. Personally we never were divided. Hereafter I hope we shall meet in as complete accord as need be for close friendship. I was at Gambier Monday to see the inauguration of a new President. The enclosed gives you a report of it. Altogether a good time. I spoke of you to numbers of old friends who have friendly recollections of Auld Lang Syne; Hurd, Buttles, Jones &c always ask about you.

Excuse this. I am writing in the office with too many interruptions to write consecutively. My regards to your wife & children. I hope to see you again soon.

As ever

R.

HAYES TO BRYAN

State of Ohio
Executive Department.
Columbus, 23rd July 1870

Dear Guy:

I have long thought of writing you, and been anxious to hear from you again. The slip I send reminds me forcibly of old college days. Tudor Fay was one of my nearest neighbors in C. We daily met. He often spoke of you with the friendly and amiable feeling of years ago. You notice the tone of the article. He was formerly devout, became a sceptic, was severely cen-

sured, felt it keenly, and was somewhat embittered. In all my intercourse with him I found him as warm hearted, kind and friendly as when a boy. What he may have said to give offense to his church associates, if anything, I do not know.

My family is without change except the change which years bring. My oldest boy is almost 17. My only daughter is the charming one, nearly three. Uncle Birchard made me a long visit a few weeks ago. I hunted up and read to him a sort of journal of our Texas trip, reviving recollections of that interesting time, and of the persons we then met, so many of whom have passed away.

We both retain the old feeling for you and yours in full measure. I do not know how much our political differences have affected your feelings. I trust not at all. One thing, I doubt not, that as to the practical questions of the present and the future we are substantially in accord. At any rate I assure you I am

As ever your friend

R B Hayes

P. S. My kindest regards to Mrs. Bryan.

BOOK REVIEWS AND NOTICES

Governors Who Have Been, and Other Public Men of Texas. By Norman G. Kittrell. Houston, 1921. 301 pp., 8vo.

In the preface to the *Memoirs* of Governor F. R. Lubbock the statement is made that the Governor had prepared manuscript enough to fill several volumes, but in order to compress the data into one volume the editor was obliged to pass over a "large amount of biographical and other interesting matter." What was discarded was also destroyed. Many who knew Governor Lubbock's exhaustless fund of anecdote never ceased to deplore the fate that befell his manuscript. Judge Kittrell has profited by the Governor's experience, and offers first his volume of incident, anecdote and bonmots. He has to a considerable extent retrieved the loss suffered by the destruction of the Lubbock manuscript. The volume covers the period from 1846 to 1921; much of what is set down having been obtained from Dr. P. W. Kittrell, who was in public life in Texas as early as 1855.

The author wrote when inclination prompted, and has cast his materials into no rigid form. Reminiscences of the governors and other public men of Texas conveys, perhaps, a better description of the book. The governors pass in review, and such incidents, episodes or anecdotes as each suggests are given. Some characters lend themselves to this sort of treatment more aptly than others. Sam Houston and O. M. Roberts stand out among the governors. The judiciary is reviewed in similar style; W. P. Ballinger and A. W. Terrell stand out most prominently there.

Judge Kittrell was reared on the borders of East Texas. To him East Texas is to the balance of Texas, what Virginians and South Carolinians are to the United States. East Texans were all Confederates, but those who belonged to Hood's Brigade or to the Terry Rangers rank just a little higher. The twenty district judges who were removed in 1867 as "impediments to reconstruction" are played against the supreme court judges from 1867 to 1876. The decisions of these judges are contained in Texas Reports 31 to 39, but are seldom cited. The district judge, like "truth crushed to earth," later rose to distinction.

The latter portion of the book is filled with memories of the court room, and with the author's comments upon the court, the bar and the people. He sets down the fruits of his observation during eighteen years on the bench. His optimism together with the examples cited form a pleasing contrast to the indiscriminate criticism of courts and lawyers that is now so common.

The volume will be read for its witty sayings, apt illustrations, humorous episodes, tragic incidents, and delightful anecdotes. Since the author did not think it worth while to verify his dates or the spelling of proper names, why should the reviewer? But an index would have made the book a great deal handier. How is one ever to find in its three hundred pages, the anecdote one remembers to have read "somewhere"?

E. W. WINKLER.

Some History of Van Zandt County. By Wentworth Manning. Wills Point, Texas, 1919. Volume I. 8vo, pp. 220. Illustrated.

The writer of this volume meanders through the annals of Van Zandt County with the free and easy manner of an old timer. The subjects touched upon range from Moses to the World War. He tells about the streams, the wild animals, and the expulsion of the Indians, but has little to say about the soil, the prairies and the forests. There are delightful word pictures of the pioneer's log cabin and the old log schoolhouse. With the exception of the salt industry at Grand Saline, little is said about the occupations of the people. The larger portion of the book is filled with biographical sketches—not paid biographies, but sketches of persons who have at one time or another come in touch with the "free state of Van Zandt." The work has been a labor of love, and here's hoping that the author has received sufficient encouragement to issue volume II.

W.

NEWS ITEMS

A monument to David Crockett is to be erected in Lawrenceburg, Tennessee. Crockett helped to lay out this town in 1817.

In a series of articles published in the *Galveston News* of January 29, February 5, 19 and 26, and March 12, 1922, Dr. J. O. Dyer traces the naval activities along the Texas coast from the beginning of hostilities until the second battle of Sabine Pass, September 8, 1863. The brilliant achievements of Commodore Leon Smith, C. S. N., are particularly emphasized.

The Sons of the Republic of Texas was launched at the University Club in Houston, March 15, 1922. Lewis R. Bryan was elected chairman and O. M. Kendall secretary. While it is planned to make this a Statewide organization, its membership will be restricted to descendants of those who served the Republic. Those present at the organization, besides the officers named, were Judge Charles E. Ashe, Franklin Williams, George A. Hill, Sidney H. Huston, Milton Howe, Jacob F. Wolters, Andrew J. Houston, William K. Craig, Birdsall Briscoe, Lewis Fisher, A. Y. Bryan, Houston Williams, W. E. Kendall, A. M. John, Augustin de Zavala, Lewis R. Bryan, Jr., Royston Williams, Clarence Kendall.

Mrs. Mary Adair Farris, honorary vice-president for life of the U. D. C., died at her home in Huntsville, February 17, 1922, aged eighty-four years. Mrs. Farris came to Huntsville when a child.

Mrs. R. E. Pennington, author of a *History of Brenham and Washington County*, died at her home in Brenham, March 26, 1922. Mrs. Pennington was active in securing the establishment of the State Park at Old Washington, and served as one of the commissioners since its creation.

AFFAIRS OF THE ASSOCIATION.

The annual meeting of the Texas State Historical Association will be had at the University of Texas, Austin, on Tuesday, April 21. There will be a business meeting at 10:30 and a general meeting at 2:30. At the afternoon meeting papers will be read by Hon. R. C. Crane of Sweetwater and by Dr. Alex Dienst of Temple.

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